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ABSTRACT

This report addresses one aspect of education governance--state-level governance structures across states. This report explores in depth the formal relationships among those holding official positions in state education governance and how such relationships have changed over time. The information in this report is derived from three sources: surveys of selected state education policymakers and government officials, reviews of relevant state constitutional provisions and codes, and reviews of education news magazines. The first section presents a summary of state education governance structures across states, a discussion of recent structural changes, descriptive data on state boards of education (SBEs) and chief state school officers (CSSOs), an overview of legislative education committees, and a discussion of trends and issues. The concluding part of this section highlights governance issues receiving current attention. The second section presents a figure depicting the state-level education governance structure for each of the 50 states. Each figure represents the formal relationships among the governor, CSSO, and SBE by illustrating the selection method for each of these offices. Related data on these roles and key education committees in the state legislature also are included. (KDP)

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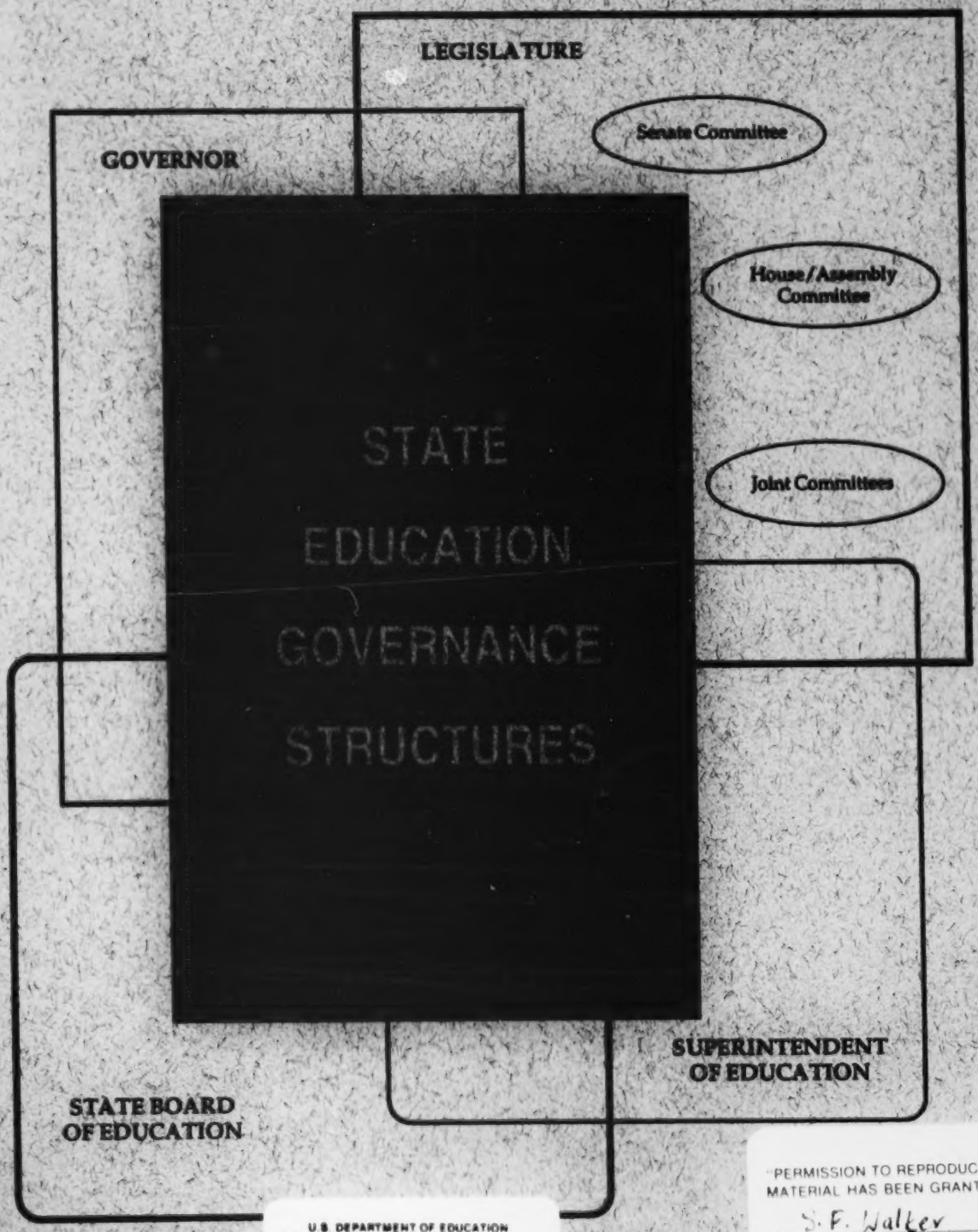

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STATE EDUCATION GOVERNANCE STRUCTURES

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Foreword

Major reports on state governance of the public schools appear to come one per decade. In the mid-1970s, Roald Campbell and Tim Mazzoni prepared *State Governance Models for the Public Schools* for the Educational Governance Project at Ohio State University. In 1983, the Education Commission of the States published *State Governance of Education: 1983*. Since that time there has been no in-depth state-by-state review of the issues involved in the governance of education.

State Education Governance Structures by Martha McCarthy, Carol Langdon and Jeannette Olson not only updates educators on the differences in governance models across the nation but also analyzes the trends and issues to watch over the next decade. This important piece of work by the Indiana Education Policy Center is a welcome and most needed addition to the literature on governance of public schools.

Chris Pipho
Division Director
ECS Clearinghouse

Executive Summary

All aspects of schooling, from what children learn to how they learn, have been scrutinized as the result of recent summons to improve education. Hotly debated is the question of who should make decisions about education. This report addresses one aspect of education governance--state level governance structures across states. We explore in depth the formal relationships among those holding official positions in state education governance and how such relationships have changed over time.

The information in this report is derived from three sources: surveys of selected state education policy makers and government officials, reviews of relevant state constitutional provisions and codes and reviews of education news magazines.

The first section summarizes state education governance structures across states, recent structural changes, descriptive data on state boards of education (SBEs) and chief state school officers (CSSOs), an overview of legislative education committees and a discussion of trends and issues. The second section presents a figure depicting the state-level education governance structure for each of the 50 states.

Models of Education Governance

We classified states according to one of four basic models of education governance. A total of 37 states conform to one of the basic models.

- In Model One (10 states), the governor appoints the SBE, and the SBE appoints the CSSO.
- In Model Two (nine states), the SBE is elected by the citizenry, and the board appoints the CSSO.
- In Model Three (11 states), the SBE is appointed by the governor, and the CSSO is elected by the citizenry.
- In Model Four (seven states), the governor appoints both the SBE and the CSSO.

Nine states have a different education governance structure than they did in 1983 in that a different method is used to select the CSSO or SBE or a new office has been created. There has been a trend away from representative governance of education, with states switching their selection method from election to appointment. There also has been a slight tendency toward centralizing authority for making those appointments in the governor's office; three more states authorize governors to appoint both the SBE and the CSSO than in 1983.

State Boards of Education

SBEs function immediately below the state legislature in the hierarchy of education governance and are empowered to make education policy within parameters established by the legislature. Wisconsin is the only state that does not have an SBE.

- *Selection.* The entire SBE is appointed by the governor in 31 states, and part of the board is appointed by the governor in five other states. Boards are elected by the citizenry in 11 states and elected by representative bodies in two others.

- *Size.* Although the number of members on SBEs has changed in 25 states during the past decade, the mean number of SBE members has remained at about 10 during this time period. The number of voting members on a board ranges from seven to 21, with almost three-fourths of all the states having 11 or fewer voting members.

- *Qualifications.* Only two states specify minimum educational requirements (a high school diploma or certificate of equivalency) for SBE members. Six states mandate that some SBE members be educators, whereas 18 states prohibit selected educators from serving on the SBE. Two states require SBE members to have some prior local school board experience.

Chief State School Officers

Usually the CSSO is responsible for the general supervision of the state's public school system, heads the department of education and plays a role in adjudicating education controversies and proposing education legislation.

- *Selection.* A majority of CSSOs (26) are appointed by SBEs; governors appoint CSSOs in nine states, four more than in 1983. Now only 15 CSSOs are elected, three less than in 1983. (The number of states with an elected office of CSSO has been declining steadily from 31 in 1900.)

- *Qualifications.* Laws stipulate at least some minimum qualifications (e.g., academic, professional experience, certification, residency, age) in all but six states. In states where SBEs appoint CSSOs, boards may set their own qualifications for the position.

- *Role on SBE and Governor's Cabinet.* Most frequently, CSSOs serve as executive secretaries of SBEs, but exact duties and powers are usually not specified in state laws. CSSOs in three states are chairs of SBEs. Eleven CSSOs are ex officio members of SBEs, and six have full voting privileges. Laws in eight states provide for the CSSO to serve on the governor's cabinet.

Legislative Education Committees

Since much of the work of the state legislature takes place in committees, we asked survey respondents to provide information about the major legislative committees that address education concerns. Every state has at least one standing education committee, and four states have only one committee. Twenty-nine states have only two standing education committees, one in each arm of the legislature. The remaining 17 states have at least three education committees. Most commonly, these committees review, originate and/or enact education-related legislation and make recommendations, establish task forces and hold public hearings.

Trends and Issues

Despite dramatic changes in the state's role in school reform efforts, the dominant state education governance structure (composed of an SBE, a CSSO and support staff) continues to be one that was established early in the 20th century. The few structural changes that have been adopted by states tend to centralize authority in the governor's office. Although states continue to be quite similar in the basic structural elements of their education agencies, there is variation across states in selection procedures, terms of office and qualifications for various office holders.

The optimum education governance structure depends on each state's political philosophy and education goals. If a state values the separation of educational policy from partisan politics, for example, then a strong policy-making SBE that appoints the CSSO may be the most appropriate structure. If the most important goal is to ensure coordination in education reform efforts and efficient implementation of those decisions, a system that streamlines decision making by centralizing it in the governor's office may be the best choice. A system that coordinates services for children and their families through one agency might be adopted if a state's primary goal is developing coherent policies for children. A structure that ensures lay representation might be adopted if the state's priority is to ensure representativeness of the citizenry so education authority is not concentrated in a few hands. There will always be trade-offs in efforts to design an efficient education system with clear lines of authority while providing adequate checks and balances for the control of the state's education agenda.

Coming to grips with the education priorities within a state and the governance system that advances those priorities is not an easy task. Various tensions, such as centralization versus decentralization of authority and political versus professional control of education, are explored in this report.

Introduction

Context

In the United States, responsibility for education resides with each individual state, not with the federal government. Of course, state action must be taken within the confines of the U.S. Constitution; the state, for example, cannot segregate students by race or require all children to attend *public* schools without violating Fourteenth Amendment guarantees. However, as long as federal and state constitutions are respected, the state legislature has plenary or complete power over educational matters (McCarthy & Cambron-McCabe, 1992). The state legislature can specify details of school operations and even can abolish local school districts if there is no state prohibition on such action. State legislatures can delegate decision-making authority to local school boards, but they are not obligated to do so.

The state's role in school improvement efforts has changed dramatically during the past decade. Until the 1980s, the state played a relatively weak role in school reform activity, but state policy makers recently have become more assertive in setting reform agendas. More than 300 commissions and committees were established across the states in the early 1980s to address education, and 44 states implemented large-scale school reform packages during the 1980s (Danzberger, Kirst & Usdan, 1992). Governors, who traditionally have not been central actors in the education policy arena, have played an unprecedented role in school reform activity during the past decade.

Most of the state education policies enacted in the early 1980s were designed to raise standards and strengthen requirements (e.g., proficiency tests for students, more stringent certification standards). The majority of these reforms had a centralizing effect in that there was more standardization across districts within a state and more state regulatory activity (Carnegie Forum on Education and the Economy, 1986; Cohen, 1990; Doyle, Cooper & Trachtman, 1991).

Toward the latter 1980s, however, questions started to be raised about the efficacy of intensifying what schools already had been doing. Rather than tinkering with the current system, some educators and business groups began calling for a major overhaul of the education enterprise--fundamental changes in the core technology of schooling with a focus on student outcomes. Strategies such as site-based management and parental choice (including use of public funds for private education) began receiving increasing attention (Chubb & Moe, 1990; Malen, Ogawa & Kranz, 1990).

State policy makers currently are faced with the problem of reconciling a number of competing values, such as efficiency versus autonomy and equity versus liberty. For example, the state education bureaucracy is under pressure to streamline so decisions can be made more quickly and efficiently. Also, attention is being given to state-level coordination of services for youth (e.g., education, health, welfare, juvenile justice) through a single agency, such as a children's bureau, to address children's multiple needs more coherently (Cunningham & Carol, 1992; New Mexico Children, Youth and Families Department, 1992). But at the same time, states are under pressure to decentralize decisions and provide more autonomy at the school district and even at the local school level, which means reducing state regulations. Also, the role of local school boards is under serious scrutiny for the first time (Danzberger et al., 1992; Twentieth Century Fund & Danforth Foundation, 1992).

The School of Education office of the Indiana Education Policy Center is studying how states are dealing with these competing demands. In a multi-year project, we are addressing education governance, that is, who makes education decisions and at what level these decisions are made. We are exploring governance issues from several perspectives (e.g., state education governance structures across the nation, the history of Indiana's education governance and local school governance in Indiana).

This report presents data from the Center's study of state-level education governance structures in all 50 states. The intent is not to identify the "best" structure of state education governance; the optimum structure depends on an individual state's political context and educational objectives and priorities. Also, at this stage the relative influence of various policy actors at the state level is not assessed. Instead, the purpose is to provide a state-by-state picture of the formal relationships among those holding official positions in state-level education governance and how those relationships have changed over time. Also examined in some depth are the statutory requirements for state boards of education (SBEs) and chief state school officers (CSSOs). Although the state education agency in all states also includes support staff (department of education), this report focuses only on the policy-making components of the education agency (i.e., SBE and CSSO).

Methodology

Following a comprehensive review of the literature, Center researchers developed a preliminary figure depicting structural relationships in state-level education governance for each state. Each figure illustrated the method of selection for the governor, CSSO and members of the SBE. Also included were terms and term limits for these offices, size of the SBE and key education committees in the state legislature (Council of State Governments, 1990, 1991).

A list of factual statements reflecting every aspect of the figure was compiled for each state and sent to selected government representatives for verification. Lists included statements such as "the CSSO is appointed by the governor" and "board appointments are subject to senate approval." A companion questionnaire was designed to gather more detailed information about governance in the states. For example, questions asked about recent changes in the structure of education governance, legislative committees involved in education funding decisions and committees or commissions charged with education oversight. Questions also solicited additional descriptive information about CSSOs and SBEs.

The questionnaire and list of statements pertaining to each state's governance structure were distributed to five government officials in 43 states: governor's education aide, deputy CSSO, representative of the SBE and chairs of standing education committees in the senate and house. In the remaining seven states, only four persons were surveyed because of variations in their education governance (e.g., three states have joint standing education committees).

Ninety-six of the 243 officials returned surveys, with at least one response from each of the 50 states. More than one survey was returned from 31 states. Thirty-three surveys were returned by deputy CSSOs, 18 by chairs of standing legislative education committees, 16 by

governor's aides and 14 by SBE representatives. Fifteen surveys were returned by other government representatives.

Data pertaining to features included in the figures and information on SBEs and CSSOs were verified through a review of each state's relevant statutory or constitutional provisions because of discrepancies in respondents' answers or incomplete information. Respondents were called in cases where particular information could not be clarified through legal documents. Also, education news magazines (e.g., *Education Week* and *School Board News*) were reviewed from October 1991 through November 1992 to supplement information gathered from state codes and survey responses. Some historical information was drawn from prior studies of state education governance (Campbell & Mazzoni, 1976; Harris, 1973, 1983; Pearson & Fuller, 1969; Will, 1964). Where information reported is based solely on responses to the questionnaire (e.g., legislative committee responsibilities), these data are clearly identified as respondents' answers.

Organization of the Report

This report is divided into two major sections. The first section presents a summary of state education governance structures across states, recent structural changes, descriptive data on SBEs and CSSOs and an overview of legislative education committees. The concluding part of this section highlights governance issues receiving current attention.

The second section of the report presents a figure depicting the state-level education governance structure for each of the 50 states. The figures represent the formal relationships among the governor, CSSO and SBE by illustrating the selection method for each of these offices. Related data on these roles and key education committees in the state legislature also are included.

SECTION I

STATE EDUCATION GOVERNANCE STRUCTURES: AN OVERVIEW

Models of State Education Governance Structures

Basic Models

Campbell and Mazzoni (1976) developed several models to depict the formal relationships among governors, chief state school officers (CSSOs) and state boards of education (SBEs) in governing public education. They focused on the policy-making components of the state education agency--the CSSO and the SBE--and on the formal links between these roles and the governor's office and the legislature. While Campbell and Mazzoni recognized that structural arrangements alone may not determine policy-making processes within a state, they found that structure does affect the influence that various officeholders possess. For example, they reported that the legal authority of the SBE "to appoint its own CSSO was strongly related to the policy-making influence of the board" (p. 432).

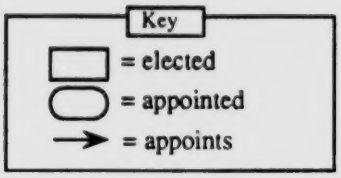
Subsequently, Burnes, Palaich, McGuinness and Flakus-Mosqueda (1983) focused on four basic models that reflected the formal relationships among the governor, CSSO and SBE in 43 of the 50 states. Sanchez and Hall (1987) later used these four basic models in a study of CSSOs in which they updated the 1983 classifications. They reported that 44 states conformed to one of these four basic models in 1986. In Model One, the governor appoints the SBE; the SBE in turn appoints the CSSO. Model Two differs from Model One in that the SBE is elected by the citizenry rather than appointed; the SBE appoints the CSSO as in Model One. In Model Three the SBE is appointed by the governor, and the CSSO is elected by the citizenry. In Model Four, the governor appoints both the SBE and the CSSO. These four basic models are represented in the diagram on the following page.

Thirty-seven states now conform to one of these four basic models (see Table 1, page nine). Ten states reflect Model One, and Model Two represents the education governance structure in nine states. Eleven states conform to Model Three, and seven states reflect Model Four. The remaining 13 states have unique governance structures.

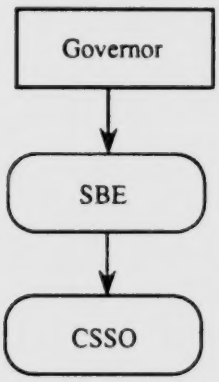
Nine states no longer reflect the same model as they did in 1983 because their governance structure changed or different rules were used to classify the state's governance structure. Structural changes occurred in five states, and in three states the application of different rules accounted for their reclassification. Both a structural change and the application of different rules accounted for one state being reclassified.

Structural changes resulted in Iowa, Minnesota and South Dakota being reclassified from Model One to Model Four. Two states, New Mexico and Texas, were moved from Model Two to unique structures because of governance changes. Structural changes also occurred in states that did not, and still do not, conform to any of the basic models. These structural changes are discussed in the next section.

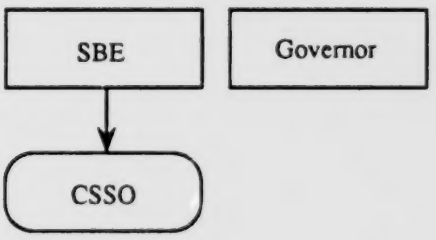
Basic Models of State Education Governance



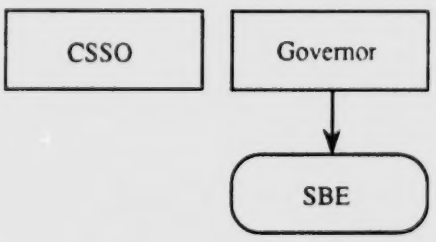
Model One



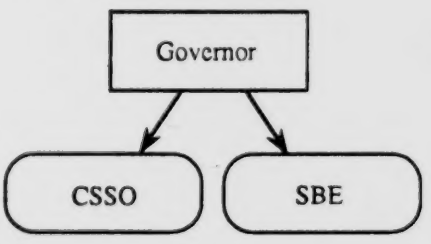
Model Two



Model Three



Model Four



New Hampshire, Massachusetts and Virginia no longer conform to any of the four basic models because different rules were applied to classify their governance structures. In 1983, New Hampshire was classified as adhering to Model One, but since the governor in conjunction with an elected council makes the SBE appointments, this state has been reclassified as unique. Massachusetts (formerly Model One) and Virginia (formerly Model Four) also have been reclassified as unique structures because these states have a secretary of education in addition to the CSSO.

Kentucky no longer reflects the same model as it did in 1983 because its governance structure changed and different rules were used to classify its structure. The structural change would have resulted in this state being reclassified from Model Three to Model One. However, since Kentucky also has a secretary of education in addition to its CSSO, it is classified as having a unique education governance structure.

Recent Structural Changes

The government officials selected for the survey were asked if the structure of their state education governance had changed in recent years and, if so, to describe the changes and the reasons for them. Their responses were verified through a review of state statutes and current education news weeklies and journals. This information also was compared with the 1983 classifications by Burnes et al. and the updated classifications of Sanchez and Hall (1987) to identify changes in state education governance structures over the past decade.

Respondents from half of the states reported that some type of governance change had taken place. However, most of the changes noted did not affect structural relationships at the state level. Structural relationships change when a different method is used to select the CSSO or SBE members or if an office, such as a secretary of education, is added to the governance structure. Only structural changes are reported here.

Seven states use a different method to choose their CSSOs than they did in 1983. In Iowa, Minnesota, South Dakota and Texas, the CSSO formerly was appointed by the SBE and is now appointed by the governor. In Kentucky, Louisiana and Mississippi, the CSSO is now appointed by the SBE instead of elected.

The change in South Dakota was the result of a 1991 executive reorganization order that abolished the office of state superintendent of schools (the state's CSSO). The duties of the CSSO were consolidated with those of the secretary of the Department of Education and Cultural Affairs. The reason given by one respondent for the change was "to streamline operations, improve efficiency and align the chief with the governor."

Massachusetts also changed its structure in 1991 when it established the office of secretary of education. The secretary is a voting member of the SBE and chairs the Higher Education Coordinating Council and the Committee on Education Policy. Unlike South Dakota, Massachusetts still has a separate office for its CSSO, the commissioner of education.

Table 1
Education Governance Structures in the 50 States

States That Conform to a Basic Model

MODEL ONE (10 states)	MODEL TWO (9 states)	MODEL THREE (11 states)	MODEL FOUR (7 states)
Alaska	Alabama	Arizona	Iowa
Arkansas	Colorado	California	Maine
Connecticut	Hawaii	Georgia	Minnesota
Delaware	Kansas	Idaho	New Jersey
Illinois	Michigan	Indiana	Pennsylvania
Maryland	Nebraska	Montana	South Dakota
Missouri	Nevada	North Carolina	Tennessee
Rhode Island	Ohio	North Dakota	
Vermont	Utah	Oklahoma	
West Virginia		Oregon	
		Wyoming	

States That Do Not Conform to a Basic Model

Florida--The SBE consists of 7 elected cabinet members: the governor, secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and commissioner of education (CSSO).

Kentucky--The governor appoints SBE members, and the SBE appoints the CSSO. The governor also appoints the secretary of education, arts and the humanities, who is a cabinet member.

Louisiana--Eight SBE members are elected, and the governor appoints 3 members. The SBE appoints the CSSO.

Massachusetts--The governor appoints SBE members, and the SBE appoints the CSSO. The governor also appoints the secretary of education, who is a cabinet member.

Mississippi--The governor appoints 5 SBE members, while the lieutenant governor and the speaker of the house each appoint 2 members. The SBE appoints the CSSO.

New Hampshire--The governor and the Council (an advisory council composed of 5 elected members) appoint SBE members, and the SBE appoints the CSSO.

New Mexico--Ten SBE members are elected, and the governor appoints 5 SBE members. The SBE appoints the CSSO.

New York--The state legislature elects SBE members, and the SBE appoints the CSSO.

South Carolina--Legislative delegations elect 16 SBE members, and the governor appoints 1 SBE member. The CSSO is elected.

Texas--The SBE is elected, and the governor appoints the CSSO.

Virginia--The governor appoints SBE members and the CSSO. The governor appoints the secretary of education, who is a cabinet member.

Washington--Local school boards elect SBE members, and the CSSO is elected by the citizenry.

Wisconsin--There is no SBE, and the CSSO is elected.

In two states, the composition of and the method for selecting the SBE changed. Mississippi (which also changed its CSSO selection procedure) changed from a three-member ex officio board (members by virtue of their offices) to an appointed SBE; the governor appoints five of the nine members, and the lieutenant governor and speaker of the house each appoint two members. In New Mexico, a 1986 constitutional amendment added five SBE members appointed by the governor; the remaining 10 members are elected.

Although other changes in the size of SBEs did not affect structural relationships, it is interesting to note that the SBE in 25 states has increased or decreased in membership during the past decade. Since 1986, eight states expanded their SBE membership, while four reduced their membership. Two of the four states, Ohio and Washington, notably reduced the size of their SBEs--down 10 members in both states. The mean number of SBE members has remained fairly stable at 10 during the past decade. (More detailed information about the size of SBEs is provided on page 14.)

Overall, structural changes in state education governance over the past decade have been relatively modest. The only noteworthy trend is some movement toward centralizing authority in the governor's office. Three more states now authorize governors to appoint both the SBE and the CSSO than in 1983. In 21 states the governor either appoints the SBE, which in turn appoints the CSSO, or directly appoints both the SBE and CSSO. In an additional three states, the governor appoints part of the SBE, which appoints the CSSO.

In 11 other states, the entire SBE is appointed by the governor; in South Carolina, the governor appoints one member. In these 12 states, the CSSO is elected. Since governors in a total of 36 states appoint all or some of the SBE members, this would appear to centralize considerable authority over education policy in the governor's office. However, the governor's power is restricted in two ways: (a) Board members' terms often are staggered, so a governor may appoint only a minority of the entire board; and (b) board members may serve for longer terms than the governor. Of course, the governor's influence in education matters also is reduced where CSSOs are still elected, even though the SBE is appointed.

While in 26 states *either* the entire SBE *or* the CSSO is still elected, only in Florida and Washington are *both* of these offices elected. And both of these states are unique in how SBE members are elected. In Florida, the governor and CSSO are members of the SBE, which is composed of seven elected state officers. In Washington, SBE members are elected by local public school boards rather than in a nonpartisan general election as the state's CSSO is selected.

General Functions

State boards of education (SBEs) were first established in the early 1800s in a few states (Campbell & Mazzoni, 1976). By the beginning of the 20th century, 28 states had boards designated by the title "state board of education," although their legal duties and powers varied (Will, 1964). In 1973, Illinois became the 49th state to establish an SBE. Today, only Wisconsin continues to govern education without such a board.

State boards are legal administrative bodies, and while not all of them have parallel powers and duties, most have some quasi-legislative and/or quasi-judicial authority. For example, they usually adopt rules and regulations and formulate policies that supplement those prescribed by the legislature, and they often serve as the final stage in the administrative appeals process regarding education controversies. Twenty-six SBEs have authority to appoint the chief state school officer (CSSO), and many SBEs also approve the CSSO's appointments to top-level administrative positions within their state education agency.

SBEs function immediately below the state legislature in the hierarchy of education governance and are empowered to make education policy within parameters established by the legislature. States vary as to the amount of authority delegated to such boards. No SBEs are empowered to make funding decisions regarding public schools, but some do submit recommendations to the governor and legislature regarding resource needs of the state education agency and public schools.

According to Cohen (1987), most SBEs have the following six legal powers in common. They:

- Establish certification standards for teachers and administrators
- Establish high school graduation requirements
- Establish state testing and assessment programs
- Establish standards for accreditation of local school districts and preparation programs for teachers and administrators
- Review and approve the budget of the state education agency
- Develop rules and regulations for the administration of state programs

Most often, SBEs have jurisdiction over only primary and secondary public education and vocational education. In six states SBEs also have some jurisdiction over higher education (McGuinness & Paulson, 1991). The New York Board of Regents (the state's SBE) governs *all* education institutions from prekindergarten through postsecondary that are incorporated in the state system of education. The Florida State Board of Education has jurisdiction over the Board of Regents of the State University System and the State Board of Community Colleges. Idaho's SBE and Board of Regents of the University of Idaho serve as a single constitutional board for all public education. SBEs in both Michigan and Pennsylvania have statutory authority for planning and coordinating postsecondary education. Montana's SBE is

composed of the Board of Public Education and the Board of Regents, with the latter serving as the constitutional governing agency for the state's university system and the coordinating agency for community colleges.

Selection of Members

In 33 states, all SBE members are appointed: They are appointed solely by the governor in all but two of these states (see Table 2). In New Hampshire, members are appointed by the governor and the Council, an elected advisory body. In Mississippi, five members are appointed by the governor, two are appointed by the lieutenant governor and two are appointed by the speaker of the house.

Board members are elected by the citizenry in 11 states, either in partisan elections (six states) or nonpartisan elections (five states). Nine of Washington's 10 SBE members are elected by local public school boards, and one member is elected at-large by boards of directors of private schools that meet state requirements. The New York legislature elects members to its SBE, the Board of Regents.

In three states, the selection of members is a combination of election and appointment. In Louisiana, eight members are elected in partisan elections, and three are appointed by the governor. In New Mexico, 10 members are elected in partisan elections, and five members are appointed by the governor. In South Carolina, legislative delegations elect 16 members, and one member is appointed by the governor.

Legislative Approval of Gubernatorial Appointments. In the 36 states where all or part of the SBE membership is appointed by the governor, 31 states require confirmation of the appointments by the senate or the legislature as a whole. Only Indiana, Massachusetts, New Hampshire, North Dakota and South Carolina laws do not stipulate such an approval process. However, New Hampshire's SBE members are appointed by both the governor and the Council, and North Dakota's governor is required by law to choose nominees from a list of three names for each SBE position compiled by a committee made up of the presidents of the state's professional associations (teachers, school administrators and school boards).

Limitations on Political Party Representation of Appointed Members. In the 33 states where *all* SBE members are appointed, 10 have provisions restricting the number of members affiliated with any one political party: Alaska, Delaware, Illinois, Indiana, Iowa, Missouri, Montana, Tennessee, West Virginia and Wyoming. Of the three states where *part* of the SBE is appointed (Louisiana, New Mexico and South Carolina), only New Mexico has such a restriction. (Because only one SBE member is appointed by the governor in South Carolina, a limitation on political party representation is not applicable.)

Table 2

State Boards of Education: Selection Methods

Members Appointed--33 states

Appointed by Governor--31 states
Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wyoming

Appointed by Governor and Council*--1 state--*New Hampshire*

5 Appointed by Governor, 2 Appointed by Lieutenant Governor, and 2 Appointed by Speaker of the House--1 state--*Mississippi*

Members Elected--13 states

Elected in Partisan Elections--6 states
Alabama, Colorado, Florida, Kansas, Michigan and Texas

Elected in Nonpartisan Elections--5 states
Hawaii, Nebraska, Nevada, Ohio and Utah

Elected by Legislature--1 state--*New York*

Elected by Local School Boards--1 state--*Washington*

Part Appointed, Part Elected--3 states

Part Appointed by Governor, Part Elected--2 states--*Louisiana and New Mexico*

1 Member Appointed by Governor, Remainder Elected by Legislative Delegations of Counties in Judicial Circuits--1 state--*South Carolina*

No State Board of Education--1 state--*Wisconsin*

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*The Council is composed of five elected members, and its purpose is to advise the governor.

District Representation. State board members must represent some type of geographical district in 33 states. Most often, these are federal congressional districts (13 states) or judicial districts (six states). Some states, such as Hawaii and New Mexico, have special SBE districts. In Kansas and Ohio, these districts are created by combining a number of contiguous state senatorial districts into one SBE or "member" district. Ohio's law was changed in 1992 from one member elected from each congressional district to one member elected from each of 11 SBE districts. Washington's law also was changed in 1992 from two SBE members per congressional district to one per district. The proposal for the SBE reduction in Ohio originated with the governor ("Plan for a Smaller School Board," 1992), while the initiative in Washington came from board members themselves (M. Schmidt, executive director, Washington State Board of Education, personal communication, December 10, 1992).

In New Hampshire, five SBE members represent executive councilor districts, and the remaining two are appointed at-large. On Delaware's seven-member SBE, individuals represent Kent County, Sussex County and the city of Wilmington; three members represent New Castle County excluding Wilmington; and the seventh member is appointed at-large.

Size and Composition

The number of voting members on SBEs ranges from seven to 21, with membership clustering around seven (nine states), eight (four states), nine (11 states) and 11 (10 states) (see Appendix A). Pennsylvania has the most voting members (21), followed by Illinois and South Carolina (17). The range in membership size has diminished only slightly since 1963, when membership ranged from three (Mississippi) to 23 members (Ohio). As noted previously, the mean number of SBE members has remained fairly stable since 1983 at about 10. In 1992, both Ohio and Washington reduced their SBE membership by 10 (from 21 to 11 members in Ohio and from 20 to 10 members in Washington). These changes became effective in January 1993.

As with the range in size of SBEs, there is variation across states regarding restrictions on SBE membership. Statutory specifications pertaining to membership are summarized below.

Professional Educators. Of special interest is the difference among states as to whether persons with training and experience in education, such as public school teachers and administrators, are included on SBEs. Twenty-eight states address this issue in their laws. In some of these states, laws mandate that persons with such expertise be a part of the board's total membership; in others, laws limit and/or prohibit such persons from membership.

In six states, the SBE *must* include some educators:

- *Arizona's* law requires that two superintendents, a teacher, a college or university president and a member of the state board of directors for community colleges be among the eight appointed members.

- *Indiana's* 10 appointed SBE members must include a *minimum* of four members who hold valid teaching licenses and are actively employed in schools in the state.

- *Mississippi's* governor is required by law to appoint one full-time school administrator and one full-time school teacher to its nine-member board. (These are the *only* educators who can serve on the SBE.)

- *Pennsylvania's* Council of Higher Education, which together with the state's Council of Basic Education forms the SBE, must include three members employed by an institution of higher education. At least one of these must be an administrator and at least one must be a faculty member. (Altogether, the number of professional educators who can serve on Pennsylvania's SBE is limited to eight.)

- Two of nine appointed members on *South Dakota's* SBE must represent vocational education in the state.

- In *Wyoming*, one of 11 SBE members appointed by the governor must be a certified classroom teacher, and another must be a certified school administrator.

In contrast to the above requirements, more than two-fifths of the states have laws that limit and/or prohibit certain classes of educators from membership on their boards. As noted above, Mississippi and Pennsylvania laws limit the number of educators who can serve on their SBEs. Two other states--North Carolina and Tennessee--allow only one educator to serve on their SBEs. Eighteen states have laws that prohibit people who are involved in certain areas of education (e.g., teachers, state department of education employees or district or building administrators) from membership on their boards: Alabama, Arkansas, Georgia, Illinois, Iowa, Kentucky, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Mexico, New York, Ohio, Oregon, Washington and West Virginia.

Ex Officio Members. Although early state boards were composed primarily or exclusively of certain elected state officials who served in an ex officio capacity (by virtue of their office), only four states had such boards by 1963 (Will, 1964). Since 1984, when Mississippi's three-member ex officio SBE was made a nine-member appointed board, Florida has been the only state with an SBE made up entirely of ex officio members (the governor's seven cabinet members). New York's statute regarding board composition is the only one that specifically prohibits any ex officio members.

CSSOs often served as ex officio members on early SBEs, but now they are ex officio members of boards in only 11 states, with full voting privileges on six boards, limited voting privileges on one board and no voting privileges on the remaining four boards. Governors are ex officio members of SBEs in four states, with full voting privileges on two boards, limited voting privileges on one board and no voting privileges on one board.

While the trend has been to move away from SBEs made up *entirely* of ex officio members, the percentage of all ex officio members representing *higher education* and *state legislative bodies* has increased notably since 1963. In 1963, less than 10% of ex officio members on

all SBEs (three of 35) represented higher education as compared with 25% currently (11 of 44). Even though this is a substantial change in higher education representation, only three of the 11 members have full voting privileges. In 1963, there were no ex officio members representing state legislative bodies, whereas 18% of the ex officio members represent legislatures now (eight of 44). Six of the eight members have full voting privileges.

Student Members. Public high school and college students serve on some SBEs by statutory mandate. Boards in California and Tennessee include one high school student, and boards in Massachusetts and Montana include one college student among their *voting* members. In Massachusetts, the college student member is an ex officio member by virtue of his or her position as chair of the Student Advisory Council. Boards in two other states--Hawaii and Maryland--are required legally to include one high school student who is a *nonvoting* member in Hawaii and has limited voting rights in Maryland.

Students also may serve on boards as a matter of policy. For example, Washington's SBE has a long-standing policy of including two public high school seniors in meetings and discussions, but the students do not vote and are not considered official members of the SBE (M. Schmidt, executive director, Washington State Board of Education, personal communication, December 10, 1992).

Diversity Requirements. Only two states by statute address gender, race or age diversity in the composition of their SBEs. In New Jersey, at least three SBE members must be women. At least one member of Tennessee's SBE must be a member of a minority race, and the governor must "strive" to ensure that at least one member is 60 years or older.

Conflict-of-Interest Restrictions. Georgia's statute is the only one that directly addresses the potential conflict of interest arising from SBE member involvement in the textbook publishing business. It states: "No person who is or has been connected with or employed by a schoolbook publishing concern shall be eligible for membership on the state board and, if any person shall be connected or employed after becoming a member . . . his place shall immediately become vacant" (Ga. Code Ann. § 20-2-4, 1992). Although Texas does not specifically bar members from involvement in the textbook industry, the law makes it illegal "for any person, group of persons, organization, or corporation engaged in manufacturing, shipping, selling, storing, advertising textbooks--or in any other manner connected with the textbook business--to make a financial contribution to, or take part in, directly or indirectly, the campaign of any person seeking election to the State Board of Education" (Tex. Educ. Code Ann. art. 11.22 [e], 1991). Kentucky's statute, which is more general, also prohibits state (and local) board members from direct or indirect interest "in the sale to the board of books, stationery, or any other property, materials, supplies, equipment, or services for which school funds are expended" (Ky. Rev. Stat. Ann. § 156.040, 160.180, 1992).

Unique Requirements. A few states have special requirements regarding their SBE composition:

- In Massachusetts, one SBE member must be a member of a labor organization affiliated with the State Labor Council, AFL-CIO.

- North Carolina law bars the spouse of any public school employee paid from state or local funds or the spouse of an employee of the department of public instruction from membership.

- Two members of the North Dakota SBE must be members of the state's school boards association.

- Wyoming's SBE must have two members representing private business or industry in the state.

Other Specifications

States vary regarding academic background, work experience and other requirements for SBE members. They also differ in specifications pertaining to member terms, term limitations and compensation.

Certification. Although six states require part of their boards to be composed of teachers and/or administrators, only statutes in Indiana and Wyoming stipulate that these persons must be certified: Indiana requires that at least four SBE members be teachers holding valid teaching licenses, and Wyoming requires that one board member be a certified teacher and one be a certified administrator.

Level of Education. Only Kentucky and Oklahoma require by law some academic qualification--a high school diploma or a certificate of equivalency--for SBE members.

Knowledge of Education. Only a few states specify by law that SBE members must have knowledge of or experience or interest in education. Illinois SBE members are selected on the basis of all three of these criteria. Iowa law stipulates that three of nine SBE members must have substantial knowledge related to the community college system. Although Maine's statute bars full-time teachers and administrators from service on its SBE, lay members must have a strong interest in and knowledge of education. Wyoming's law stipulates that the seven lay SBE members have public spirit, business or professional ability and interest in education.

Local Board Experience. Two states have laws mandating that some SBE members have prior experience on a local board of education. Delaware law requires that at least four SBE members have such experience. In Minnesota, at least three members must have been local board members.

Residency. Thirty-five states have statutory provisions mandating that SBE members be state residents. In 14 of these states, all or part of the SBE is elected, and election laws mandate that candidates for public office be qualified electors, although the length of residency required to be eligible to vote varies. In the remaining 15 states, residency requirements usually exist as policies. Residency requirements vary from 30 days to five years, with Delaware, Georgia and New Jersey laws stipulating five years. Idaho, Kentucky and Nebraska require three years of residence to qualify for SBE membership.

Terms of Office. Terms of office for members of SBEs range from two to nine years, with 22 states providing for a four-year term (see Appendix A). Another 10 states have six-year terms for SBE members. In Texas, members draw lots to determine terms of office: Seven members serve two-year terms and eight serve four-year terms. When Ohio and Washington reduced the size of their boards in 1992, they also reduced the term of office from six to four years. Although a majority of board members have staggered terms, in Louisiana the three appointed and eight elected members' terms are concurrent with the governor's.

Term Limits. Two states limit SBE members' service to one term, six states limit it to two terms, and two states limit it to three terms (see Appendix A). The remaining 39 states have no term limit for SBE members. In cases where boards include a student member, students usually serve only a single one-year term.

Member Compensation. Statutory provisions for member compensation are found in 43 states. These range from general stipulations that expenses will be reimbursed to specific dollar amounts, such as $50 per day. In Florida, where the SBE consists of the governor's cabinet, members receive an annual salary as part of their cabinet-level positions. Indiana, Ohio and Utah laws stipulate that SBE members receive salaries, and Indiana's and Utah's laws stipulate the exact dollar amount ($2,000 per year in Indiana and $1,500 per year in Utah).

Nineteen statutes specify an exact per-diem amount, ranging from $10 to $100, with $50 most frequently allocated (10 states). Five of these states also allow reimbursement for travel, and six additional states provide funds *only* for travel. Seven states cover expenses only. An unusual provision in Minnesota's law allows for child care in addition to $55 per day plus expenses.

General Responsibilities

When New York's state legislature passed the Common School Act of 1812, instituting the Department of Public Instruction headed by a state superintendent of schools, the state became the first to have a CSSO (Pearson & Fuller, 1969). The office of CSSO was first established in a state constitution in Michigan in 1835 as an appointed office, and it was first made an elected constitutional office in Iowa in 1846 (Will, 1964). By 1900, all existing states had established similar offices, which carry a range of titles across the states, the most prevalent being superintendent of public instruction (see Appendix B).

Usually the CSSO is responsible for the general supervision of the state's public school system, heads the state department of education and directs activities of the department's professional staff in regulating and supporting the state's public schools. In some states, CSSOs have a role in adjudicating education controversies in the administrative appeals process. The CSSO may have some legislative or quasi-legislative functions if such responsibilities have not been delegated by the legislature specifically to the SBE. Many chiefs also propose and find sponsors for specific legislation. The chief's relationship to the SBE depends, in part, on how the law provides for his or her selection. The CSSO usually sets the agenda for the state department of education, and the department under the CSSO's leadership conducts research and provides data to inform the SBE in its policy-making function. By proposing legislation, setting the department's agenda and controlling information provided by the state department of education, the CSSO can influence what issues are considered by the state legislature and the SBE.

Selection

In 35 states, CSSOs are appointed, and in 15 states they are elected (see Table 3). Of the appointed CSSOs, 26 are appointed by SBEs and the remaining nine are chosen by governors. Of the 15 states that elect their CSSOs, nine hold partisan elections and the remaining six hold nonpartisan elections.

Appointed by SBE. Appointment by SBEs is the most common method of CSSO selection (see Table 4). From 1900 until the early 1970s, the number of CSSOs appointed by SBEs steadily increased, reaching its highest point of 27 states in 1983. Now, 26 CSSOs are appointed by SBEs. When SBEs are authorized to appoint CSSOs, they frequently establish qualifications for the office, and CSSOs chosen by SBEs are accountable to boards for implementing their policy recommendations.

Table 3

Chief State School Officers: Selection Methods

Appointed--35 states

Appointed by State Board of Education--26 states
Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, Ohio, Rhode Island, Utah, Vermont and West Virginia

Appointed by Governor--9 states
Iowa, Maine, Minnesota, New Jersey, Pennsylvania, South Dakota, Tennessee, Texas and Virginia

Elected--15 states

Elected in Partisan Elections--9 states
Arizona, Florida, Georgia, Idaho, Indiana, Montana, North Carolina, South Carolina and Wyoming

Elected in Nonpartisan Elections--6 states
California, North Dakota, Oklahoma, Oregon, Washington and Wisconsin

Table 4
Changes in CSSO Selection: 1900 to 1992*

Method	1900	1910	1920	1930	1940	1950	1963	1973	1983	1992
Appointed by SBE	3 (7%)	4 (9%)	8 (17%)	8 (17%)	8 (17%)	13 (27%)	23 (46%)	26 (52%)	27 (54%)	26 (52%)
Appointed by Governor	7 (15%)	7 (15%)	6 (12%)	7 (14%)	8 (17%)	6 (13%)	5 (10%)	5 (10%)	5 (10%)	9 (18%)
Elected by Citizenry	31 (69%)	33 (72%)	34 (71%)	33 (69%)	32 (66%)	29 (60%)	22 (44%)	19 (38%)	18 (36%)	15 (30%)
Other**	4 (9%)	2 (4%)								
Number of States	45	46	48	48	48	48	50	50	50	50

*The figures for years from 1900 to 1963 were derived from Will (1964); figures for 1973 and 1983 were derived from Harris (1973, 1983).

**Appointed by General Assembly or ex officio.

Appointed by Governor. From 1960 to 1983 governors appointed CSSOs in only five states. Now governors appoint CSSOs in nine states. In all nine, however, the governor's appointment must be confirmed by the state senate or the legislature as a whole.

Among those states where the chief is appointed by the governor, Iowa, Maine, Minnesota, New Jersey, Pennsylvania, South Dakota, Tennessee and Virginia have SBEs whose members also are appointed by the governor. In two of these states, Pennsylvania and South Dakota, the chief is the secretary of education. In Virginia, the governor appoints a secretary of education in addition to the CSSO; the secretary is responsible to the governor for nine state agencies, including the department of education and the State Council of Higher Education.

Pennsylvania is illustrative of a state that centralizes authority for education governance in the governor's office. The superintendent of public instruction is appointed by the governor and is ex officio secretary of education. In addition to five ex officio members, 17 members of the SBE are appointed by the governor, and since the state board is composed of the Council of Basic Education and the Council of Higher Education, the governor's appointees have jurisdiction over both K-12 and higher education. (The governor's appointments however, are subject to the advice and consent of the state senate.) The governor designates members to chair the SBE and both councils; they all serve at the governor's pleasure. The SBE chair is a member of both councils and assigns other members to one council or the other. While the secretary of education is the chief executive officer of the SBE with the right to attend all meetings of the board and the councils and to speak on all matters before them, the secretary is not a member of the SBE or either council and cannot vote.

Elected by Citizenry. The use of this selection method for CSSOs has declined steadily since 1900, when 31 out of 45 states (69%) chose their chiefs through elections. Less than half that number (15 states or 30%) today elect their CSSOs. While the number of states electing their chiefs in partisan elections decreased from 13 in 1972 to nine in 1992, the number of states providing for nonpartisan elections remained the same during this period (six states). Of CSSOs who are members of SBEs, 82% are elected.

Usually the elected office of CSSO is in the executive branch or is an independent state administrative office with specific powers and duties prescribed by the state legislature. In most states where the chief is elected, there are recurring attempts to change the office to an appointed one. Proposals to change the selection process from election to appointment by the governor were reported in at least five states between 1991 and December 1992. However, in all states where the CSSO is elected except Oregon, the office is a constitutional one, which would ordinarily require a constitutional amendment for change to occur.

Louisiana legislators changed the state's elected office of CSSO to an appointed one in 1985. No constitutional amendment was required for this action since the Louisiana Constitution of 1974 specifically empowers the legislature to make the change. Kentucky legislators sidestepped a constitutional referendum, which had been rejected by the voters on earlier occasions, by using the state's highly publicized 1990 Education Reform Act to establish an office of commissioner of education and shift duties from the state's elected state superintendent of public instruction to the new position (Harp, 1992). The state's elected superintendent was stripped of most authority and was left with only the constitutional title

and a token $3,000 annual salary. Two years later, voters passed a constitutional referendum that will abolish the elected office by 1995.

Qualifications

Statutory language regarding qualifications tends to be vague, for example, "a person of good moral character" (Ala. Code § 16-4-1, 1975). When provided in statute, criteria range from academic and professional experience to residency and age. Laws stipulate at least some minimum qualifications in all states except Connecticut, Hawaii, Kansas, Maine, Massachusetts and Michigan. Of course, states may establish by policy CSSO qualifications that are beyond those provided by law.

Age. Eight states have a statutory minimum age for their chiefs, which ranges from 21 years (Nevada) to 30 years (Florida). In seven of the eight states, CSSOs are elected.

Certification. Only two states require their chiefs to have teacher certification (Arkansas and North Dakota) and two require administrator certification (Alaska and Idaho). However, as noted below, several other states require experience as a teacher and/or school administrator, which often necessitates some type of professional certification.

Experience in Education. The amount and type of education experience a chief should have when assuming the job is addressed in the statutes of 20 states. Of these, only one, Georgia, has an elected CSSO. In some states, professional experience requirements are expressed in general terms: "The Commissioner of Education shall . . . have had many years of experience" (Neb. Rev. Stat. § 79-331, 1987). In the statutes of seven states, the amount of experience is specified: Alaska requires five years' experience in education, with three of these in administration; Arkansas requires 10 years' experience as a teacher, with five of the 10 in an administrative or supervisory role; Delaware requires five years in teaching and administration; Georgia requires three years as a teacher; Maryland requires seven years in teaching and administration; Mississippi requires five years in administration; and West Virginia requires five years' experience in education administration.

Level of Education. Statutes of seven states stipulate that the CSSO must have at least a master's degree in education or education administration: Alaska, Arkansas, Georgia, Maryland, Mississippi, Nevada and West Virginia. Statutes in four additional states--Alabama, Delaware, Idaho and Montana--require CSSOs to have at least a bachelor's degree, usually in education.

Residency. In the 15 states where the chief is elected, election laws mandate that candidates for public office be qualified electors; the length of residency varies from 30 days to several months. Seven of the 15 states require additional time as a resident for a candidate to be qualified to run for the office of CSSO. Oklahoma has the longest residency requirement--10 years--followed by Florida, where all elected cabinet members (which make up the SBE) are required to have lived in the state for seven years. Arizona's statute mandates a five-year residency; Georgia's mandates four years; and Idaho, Indiana and Montana statutes specify two years. In states where the chief is appointed, only Missouri's statute mandates any

residency requirement for its chief--one year. Interestingly, statutes in New Jersey and New York specifically stipulate that their chiefs can be hired from outside the state.

Other Characteristics

Role on SBE. Generally, the official relationship of the CSSO to the SBE is not clearly defined. Most often, the CSSO serves as secretary or executive secretary of the SBE, but the exact duties and powers associated with the roles are usually not specified in state laws (Will, 1964). Statutes from 12 states prescribe more than one role for the CSSO. For example, North Dakota's chief is the executive director and secretary; in Maryland, the CSSO serves as the chief executive, secretary and treasurer. Only Indiana, Michigan and Oklahoma assign their chiefs the role of chair of the SBE, with the chair being a voting member in Indiana and Oklahoma. In six states, the CSSO has no statutorily defined role on the SBE. (For a list of the official roles of CSSOs on SBEs by state, see Appendix B.)

CSSOs were ex officio members of 16 SBEs in 1963, but by 1992 this number had declined to 11 (see Table 5). Six of the 11 have full voting privileges, and one has limited voting rights. The CSSO is elected in nine of the 11 states where he or she is a member of the SBE.

Member of Governor's Cabinet. Arkansas, Florida, Maine, Maryland, New Jersey and Tennessee statutes specify that the CSSO is part of the governor's cabinet. In Pennsylvania, the secretary of education is ex officio superintendent of public instruction. As noted previously, in South Dakota the position of state superintendent of schools was abolished in 1991 by executive order, and the duties were consolidated with those of the secretary of the Department of Education and Cultural Affairs.

Term of Office. In states where the CSSO's term is specified by statute, terms of office range from three to five years, with four-year terms being the most common (see Appendix B). Terms for all elected chiefs are four years. Terms are set by SBEs in 19 states, and in all of these the chief is appointed by the board. In Louisiana, where the CSSO also is appointed by the SBE, the term is set by contract. Terms are set by the governor in six states, and in all but one of these (Arkansas), the chief is appointed by the governor. By statute, the chief's term is concurrent with the governor's in five states (Connecticut, Minnesota, New Jersey, South Dakota and Virginia), and the governor appoints the chief in four of the five states (the SBE appoints the CSSO in Connecticut).

Term Limits. Only California law stipulates a limit of two terms for its elected chief. All other states have no term limits for this office.

Compensation. Salaries for CSSOs have increased significantly over the years. In the most recent compilation of salaries across states, which was for the 1991 fiscal year, compensation ranged from a high of $125,000 in Kentucky to a low of $41,681 in Montana ("Directory of Chief," 1991).

Table 5
States Where CSSOs Are Ex Officio Members of SBEs

State	CSSO Selection Method	Voting Rights	Official Role
Arizona	E	yes	secretary/executive officer
Florida	E	yes	secretary/executive officer
Idaho	E	yes	executive secretary
Indiana	E	yes	chair
Michigan	A		chair
Montana	E		secretary
North Dakota	E	yes	executive director/secretary
Oklahoma	E	yes	chair
Washington	E	limited	chief executive officer
West Virginia	A		chief executive officer
Wyoming	E		

E = Elected A = Appointed by SBE

Legislative Education Committees

Unlike the Federal Constitution, which is silent regarding education, all state constitutions authorize the state legislature to provide for a system of public schools. In Mississippi, this authority is discretionary, but in all other states the constitutions place a mandatory duty on the legislatures. These constitutional provisions often obligate state legislatures to establish a "thorough and efficient," "uniform" or "adequate" system of schools that is available to all students on equal terms. While legislatures cannot delegate their law-making powers to subordinate agencies, they can delegate to the SBE and local school boards the authority to develop education policies within legislative guidelines. States vary greatly regarding the degree of policy-making authority delegated, but recently a number of state legislatures have become assertive in enacting statutes that specify detailed mandates for public schools.

Since much of the work of the state legislature takes place in committees, survey respondents were asked to provide information about the major legislative committees that address education concerns. In addition to confirming the names of the committees obtained from the Council of State Governments (1991), respondents were asked to describe the committees' responsibilities, to name the committees most likely to determine K-12 education polices, to identify the committees that initiate school funding formula legislation and to list any other committees that make decisions about education.

Standing Legislative Committees

Every state legislature has at least one education committee (see Table 6). Usually these committees focus solely on education, but in 12 states at least one of the education committees has a broader area of responsibility (e.g., education and cultural resources; education, retirement and aging; education and health). Interestingly, three committees that address education issues do not have the word "education" in their titles. In Nevada the senate committee is called the Human Resources and Facilities Committee; in Maryland the house committee is the Constitutional and Administrative Law Committee, and the senate committee is the Economic and Environmental Affairs Committee.

Four states have only one education committee. This is a joint education committee in three of these states--Connecticut, Maine and Massachusetts. Nebraska, the only state with a unicameral legislature, is the fourth state with a single committee.

There are two education committees in 30 states. These states have a separate education committee in the house and in the senate, but they have no other education committees.

The 16 remaining states have at least three education committees. New Jersey has both a joint education committee and a higher education committee in addition to its two standing education committees. Three other states have a joint education committee, but no higher education committee, in addition to standing education committees in both arms of the legislature. Twelve states have one or two higher education committees in addition to two

Table 6
Education Committees

State	Joint Ed.	House Ed.	Senate Ed.	House Higher Ed.	Senate Higher Ed.
AL		X	X		
AK		X	X		
AZ		X	X		
AR		X	X		
CA		X	X	X	
CO		X	X		
CT	X				
DE		X	X		
FL		X	X	X	
GA		X	X	X	X
HI		X	X	X	
ID		X	X		
IL		X	X	X	X
IN		X	X		
IA		X	X		
KS	X	X	X		
KY		X	X		
LA		X	X		
ME	X				
MD		X	X		
MA	X				
MI		X	X	X	
MN		X	X		
MS		X	X	X	X
MO		X	X	X	
MT		X	X		
NE	UNICAMERAL				
NV		X	X		
NH		X	X		
NJ	X	X	X	X	
NM	X	X	X		
NY		X	X	X	X
NC		X	X		
ND		X	X		
OH		X	X		
OK		X	X		
OR		X	X		
PA		X	X		
RI		X	X		
SC		X	X		
SD		X	X		
TN	X	X	X		
TX		X	X	X	
UT		X	X		
VT		X	X		
VA		X	X		
WA		X	X	X	X
WV		X	X		
WI*		X	X	X	X
WY		X	X		

*Wisconsin also has an Assembly Urban Education Committee.

standing education committees. One of these, Wisconsin (the only state that does not have an SBE), has a total of five legislative education committees--separate education and higher education committees in both arms of the legislature and an urban education committee in the assembly.

A range of responsibilities was identified for education committees. The responsibility noted most often was reviewing legislation related to education. Originating legislation was the second most frequently listed responsibility, with enacting legislation, making recommendations, establishing task forces and holding public hearings following in order of frequency. Respondents from six states noted that the committees had some type of funding responsibilities. Usually, the same responsibilities were listed for the house and senate education committees, but respondents from seven states reported different responsibilities for the two committees.

Respondents from 47 states listed one or more of their education committees as most likely to determine K-12 polices. Usually both the house and senate education committees were named. At least one person from 13 of these states also identified a fiscal committee. It is interesting that a majority of the respondents from three states did not name an education committee. Nevada and Michigan respondents listed only fiscal committees or subcommittees as most likely to determine K-12 policies, and, according to the Arkansas respondents, this responsibility rests with the Rules and Regulations Committee.

When asked to identify the legislative committee with legal responsibility for initiating legislation related to the school funding formula, all or most of the respondents from 15 states listed education committees. (Although respondents were asked to list the legislative committee with the *legal* responsibility for initiating funding formula legislation, the wording of responses suggests that many respondents listed the legislative committee that *traditionally* assumes this responsibility.) Respondents from 12 states listed fiscal committees (e.g., ways and means, appropriations). No specific committee (e.g., "individual legislators," "any committee," "SBE") was listed by the respondents from 12 additional states. All of the respondents from Delaware listed both education and fiscal committees, and Connecticut respondents indicated that an Equity Committee initiates such legislation. There was no agreement among responses received from eight states. For example, in one state, one respondent said there was no funding formula, one respondent listed the House Education Committee and the third respondent listed the House Finance Committee.

In addition to the state's education committees, most respondents named more than one other committee that also makes decisions about education. Respondents from 47 states indicated that such decisions are made in fiscal committees. At least one person from six states listed some type of judiciary committee. Other committees identified by respondents from at least three states were transportation committees, pension or retirement committees and health and human services committees.

Education Oversight Committees/Commissions

Respondents were asked to identify committees or commissions responsible for education oversight activities. In the survey, these activities were defined as reviewing regulations, auditing programs and evaluating programs. These responsibilities were identified by Rosenthal (1990) as common oversight functions throughout the states. Respondents from 43 states identified 95 entities that perform education oversight as part or all of their area of responsibility. In addition to committees and commissions devoted to oversight, entities such as SBEs, CSSOs, state auditors, legislative audit bureaus/offices and standing education committees were listed by survey respondents. Respondents from 39 states reported oversight committees/commissions with education oversight as part or all of their domain; 18 states had 21 oversight committees/commissions for education only, and three states had more than one such oversight committee or commission.

Trends and Issues

Without question, there have been dramatic recent changes in the state's role in education. The number of education reforms initiated by governors and legislatures during the past decade has been unprecedented, and education has become a central issue in state political campaigns. Unlike the 1960s and 1970s, when the primary leadership for school reform came from the federal government, during the 1980s state leadership became dominant. Although school improvement currently is viewed as a national imperative and there are a number of recent nationwide initiatives (e.g., establishing national goals and standards), these efforts rely on state governments for support, implementation and oversight. State governments are likely to continue to play a central role in school improvement efforts, especially given the current emphasis on holistic or systemic reform (Appalachia Educational Laboratory [AEL], 1992; Fuhrman & Massell, 1992). States occupy "a key position for policy intervention" because they can uniquely "influence all aspects of the educational system" and provide coherent leadership and support to local school reform efforts (Smith & O'Day, 1991, p. 257).

In addition to the changes in the thrust of school reform efforts and the level of government providing the leadership, new actors are involved at the state level. No longer are school reform initiatives left solely to educators; key political, civic and business leaders now play significant roles in state education policy development. Private-sector involvement is viewed with some apprehension by the education establishment, but since less than 20% of American households have school-age children (Danzberger et al., 1992) many observers believe that meaningful school improvement is not likely to occur without the business community's support (see Walsh, 1993).

Despite changes in the state's role in school reform efforts and the people involved, the dominant state education governance structure continues to be one that was established at a time when state leadership in school improvement efforts was relatively weak and when those *external* to the educational enterprise (i.e., politicians and business leaders) were not actively engaged in school improvement activities. During the past half century across most states, the state education agency has included the following three components: a policy-making state board of education (SBE), a chief state school officer (CSSO) and a support staff (the state department of education).

Given that governors and legislatures have assumed greater leadership in school improvement efforts during the past decade, one might expect changes to have been made in state education governance structures. The National Association of State Boards of Education (1990) has reported that education governance has been a top priority of legislative education committees since the mid-1980s, but data gathered in this study indicate that relatively few changes have been made in the basic structures of state education governance during the past decade.

The few structural changes that have recently been adopted by states (as well as a number of proposals for changes) tend to centralize authority in the governor's office. The influence of governors on education policy agendas has changed dramatically since 1976 when Campbell and Mazzoni found little support for making the governor the focus of an education

accountability system. There has been a movement toward governor-appointed SBEs; currently governors in 31 states appoint SBE members. Also, the proportion of elected CSSOs has steadily decreased since 1900 when 31 states elected their chiefs. Now only 15 CSSOs are elected by the citizenry. Four states have changed their method of appointing CSSOs from the SBE to the governor since 1983. Three other states have moved from an elected CSSO to appointment by the SBE that is in turn appointed by the governor.

Although states continue to be quite similar in the basic structural elements of their education agencies, they vary in selection procedures, terms of office and qualifications for various office holders. States also differ in the amount of authority delegated by the legislature to the education agency and in the number and type of legislative committees that address education concerns. In fact, no two states are exactly alike in their state education governance when all such variables are considered.

As mentioned in the introduction, we have not attempted to identify the "best" model of state education governance. The optimum governance model depends on the political philosophy and educational goals and priorities within a given state. As state education policy activity has intensified during the past decade or so, different views on the purposes of education and the state's role in school improvement efforts have been evident. Alternative goals (e.g., ensuring the efficiency and effectiveness of schools or their responsiveness to citizens' expectations or their ability to serve as change agents to resolve society's chronic and emerging problems) have implications for how schools are governed. And alternative views on the state's role in achieving the purposes of education are not always compatible with one another. There is no design for education governance that is likely to achieve all the desirable objectives for education.

For example, if the overriding value is to separate education policy from partisan politics, then a strong, policy-making SBE (with members appointed for long terms) that appoints the CSSO might be viewed as an appropriate strategy. This model would enable the SBE to focus on a long-range vision for schools, and it might make education reform less vulnerable to political pressures of election cycles that often result in "quick-fix" strategies. Under this model, the SBE retains primary responsibility for policy-making activities, and the SBE that appoints the CSSO can hold him or her accountable for implementing its policy recommendations. When the SBE appoints the CSSO, there is a perception that the CSSO's role is less partisan and that the CSSO is more likely to be an educator rather than a politician (Harris, 1973). But the removal of these actors from the political arena also has its price, as they may not have the necessary backing of political constituencies to secure legislative enactment of education reform measures.

If the most important value is to ensure coordination in education reform efforts and the efficient implementation of decisions, a system that streamlines governance and centralizes decisions in the governor's office, for example, might be considered the "best" system. Where the governor appoints the CSSO, there is likely to be more cohesion at the executive level, which can facilitate statewide planning and coordination. This strategy would reduce the impact of competing political agendas on education reform efforts. However, it also has a price in terms of reducing representation of the citizenry in education policy deliberations.

A system that coordinates education, welfare, health, juvenile justice and other services for youth through one agency might be adopted if developing coherent policies for children's services is the primary goal. Such proposals have been put forward in several states. For example, an Ohio study of education and human services governance, commissioned by the CSSO and the governor, recommends that the SBE extend its scope of responsibility to include collaborative policy development, oversight and budget development with other human service agencies (Cunningham & Carol, 1992). Advocates of such an approach contend that coordination would better serve the multiple needs of children by addressing gaps in services and allocating resources more efficiently. Although this strategy might increase effectiveness of service delivery, traditional patterns of agency autonomy are extremely difficult to change. Also, concerns have been raised that the seminal importance of education among state governmental functions will be diminished if education is combined with other services for youth in the state's governance structure (S. K. Alexander, personal communication, March 29, 1993).

A structure that ensures lay representation might be chosen if the state's priority is to ensure representation of the citizenry and maintain checks and balances so that education authority is not concentrated in a few hands. For example, all key policy actors--CSSO and SBE members in addition to the governor and legislators--might be elected. Elected chiefs may be more influential than appointed CSSOs because they have the support of their political party and/or special-interest groups, such as the state teachers' associations, that endorse their candidacies. This model, of course, politicizes education decision making, as elected officials may be more vulnerable than their appointed counterparts to political pressures from active supporters of their campaigns. If the governor and CSSO represent different political parties, competing agendas can frustrate school reform activities.

Coming to grips with the education priorities within a state and the governance system that advances those priorities is no easy task. There always will be trade-offs in efforts to design an efficient education system with clear lines of authority while providing adequate checks and balances for control of the state's education agenda. In addition to the concerns noted above, several tensions are evident in the education governance changes proposed and adopted across states in recent years.

For example, there is a long-standing tension over political versus professional control of education. This is evident in the debate over an elected versus an appointed CSSO. There are concerns that appointed chiefs, who are more likely to be professional educators, have a vested interest in maintaining the status quo. But concerns also are voiced that elected CSSOs, who are more likely to be politicians, may not fully understand the complexities of the educational enterprise and may make decisions based on political expediency rather than educational efficacy.

Another tension pertains to centralization versus decentralization of authority. If authority over what transpires in schools is centralized at the state level, there is more standardization across school districts and more state regulatory activity. Some fear that although centralized authority may allow decisions to be implemented more efficiently, nothing will be gained, and possibly much could be lost, if the decisions are misdirected. In contrast, if authority is decentralized to local school districts or local schools, more experimentation across school

districts and less uniformity are likely. Decentralization raises concerns, however, about school-level accountability and how to ensure that national values are promoted (e.g., respect for racial diversity). Some recent proposals seek to balance centralized and decentralized power by specifying centrally established goals and standards and decentralized authority to devise strategies to meet the goals (AEL, 1992).

Other tensions are evident such as the debate over whether the legislature's law-making role also has consumed administrative authority traditionally reserved to the education agency. Historically, CSSOs and SBEs functioned somewhat independently from the governor and legislature, forming a parallel structure (with executive and policy-making offices) to flesh out the details of education policy within broad legislative guidelines. But with governors and legislatures becoming increasingly assertive in developing detailed agendas for school improvement, the relationships among key policy actors may warrant reconsideration, especially the respective roles of SBEs and legislatures in developing education policies. Another issue generating debate is whether state authority should take the form of mandates to local school districts or incentives and assistance to them. Some of these tensions are unresolvable, and others require political changes beyond the structural features of governance that are the focus of this report.

Education governance is likely to remain a central concern in state legislatures because structural arrangements influence how education agendas and policies are developed. Relationships among governors, CSSOs, SBEs and legislatures, as well as relationships across social service agencies, are receiving increasing attention. While education governance structures are important, they should be viewed as vehicles to advance the state's values and goals; the governance structure should not drive the system. Instead, the governance structure should facilitate achieving the state's education priorities, and reaching consensus on these priorities is a major challenge facing state policy makers.

SECTION II

STATE EDUCATION GOVERNANCE STRUCTURES: STATE FIGURES

Overview of State Figures

This section presents the structure of education governance for each state, with states arranged in alphabetical order. Each figure includes the method of selection for the governor, chief state school officer (CSSO) and state board of education (SBE). All but 13 states fit one of the four basic models identified by Burnes et al. (1983). For the 37 states that conform to one of these models represented below, the model number is indicated under the state's name. (See the diagram on page 7 for a depiction of the four basic models.)

In addition to depicting the selection method for key education policy makers, the figure for each state includes other information. The term and term limit for the governor, CSSO and SBE members are listed at the bottom of the respective elements in the figure. If the office is an elected one, the kind of election (i.e., partisan or nonpartisan) appears above the term and term limit. Each figure also includes an element representing the state legislature.

Using the Key

The key appears under the state name and model number (see below). *Elected officials* are represented by *rectangles*, and *appointed officials* are represented by *rounded boxes*. *Legislative committees* are symbolized by *ovals* inside the rectangle depicting the state legislature. A *solid line* with an arrow represents the act of *appointing*. It originates with the official authorized to make the appointment, and the arrow touches the office appointed. A *dashed line* with an arrow symbolizes the act of *approving or confirming* an appointment. It originates with the official(s) authorized to approve or confirm the appointment. If the dashed line starts at the dividing line between the arms of the legislature, then the appointment is subject to the approval of the legislature as a whole.

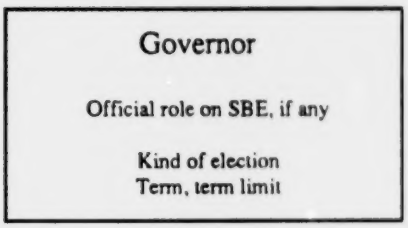
State
(Model #)

Key:

= elected
= appointed
= committee
= appoints
= confirms

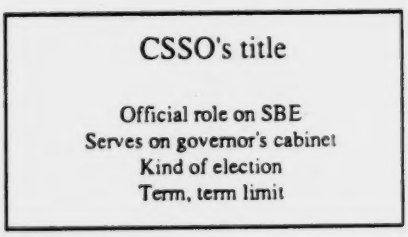
Element for Governor

Other than term, term limit and kind of election, the only additional information included in this element is the governor's official role, if any, on the SBE.

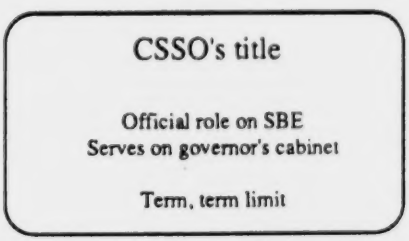


Element for CSSO

In addition to the data provided for all elected or appointed offices, this element includes the CSSO's title (e.g., superintendent of public instruction). Also depicted is the CSSO's statutory role on the SBE and the governor's cabinet, if applicable.



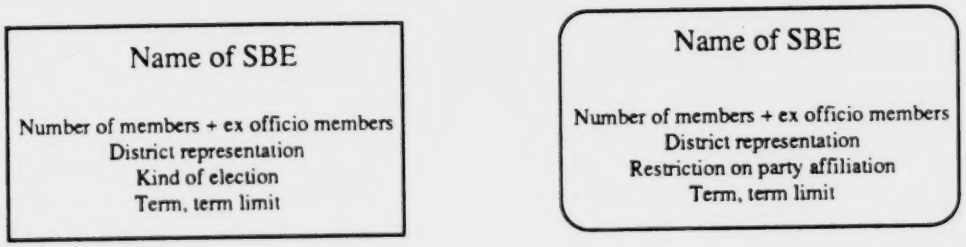
Elected CSSO



Appointed CSSO

Element for SBE

This element includes the SBE's name (e.g., Board of Regents), the number of regular and ex officio (by virtue of their office) members and voting rights of ex officio members. If an ex officio member is not the governor or CSSO, his or her title is given in a footnote. Statutory requirements that SBE members represent a geographical district (e.g., congressional district) and statutory restrictions on party affiliation for appointed SBE members are given. If the legislature, a legislative delegation or local school boards elect the SBE, then the SBE rectangle appears below those at the top of the figure. Offices at the top of the figure are elected by the citizenry.

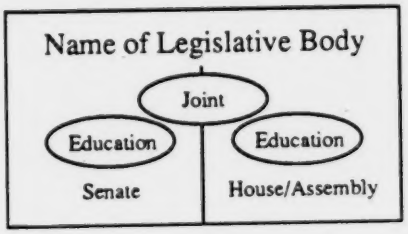


Elected SBE

Appointed SBE

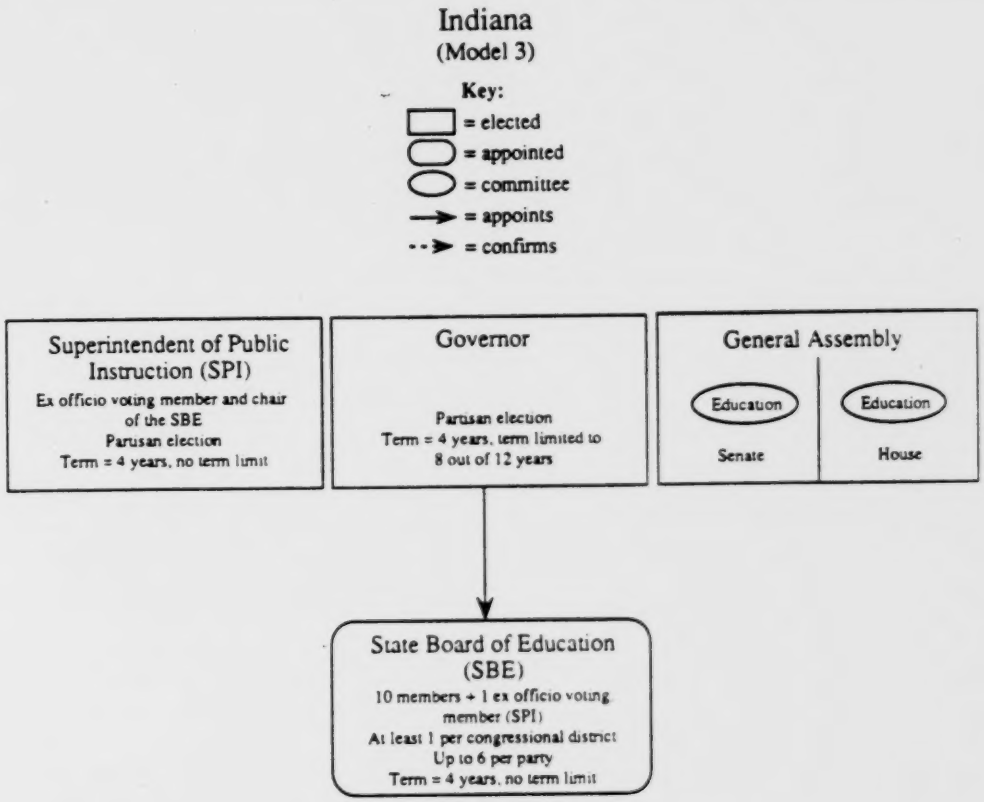
Element for State Legislature

This element includes the name of the state's legislative body. It also depicts key standing education committees other than fiscal committees. Senate committees appear on the left side labeled "Senate"; house or assembly education committees appear on the right side, labeled "House" or "Assembly." Joint legislative committees appear on the dividing line between the two arms of the legislature. If a committee name has been abbreviated, the full name is given in a footnote.



An Example

When all of the elements are combined into a figure for the state of Indiana, it looks like this:



Interpreting this figure, one can see that Indiana conforms to Model Three because the chief state school officer, who is called the superintendent of public instruction in this state, is elected, and the governor appoints the state board of education.

The superintendent of public instruction is elected in a partisan election for a four-year term. There is no term limit for this office. The superintendent is an ex officio voting member and the chair of the state board of education (SBE).

Indiana's governor is elected for a four-year term in a partisan election. The governor may serve for only eight years during a 12-year time period. The governor has no official role on the SBE.

The legislative body is called the General Assembly, and there is an education committee in both the senate and house.

A total of 11 members serve on the SBE. Ten members are appointed by the governor for four-year terms. The ex officio voting member is the superintendent of public instruction. There is no term limit for this office. There must be at least one SBE member from each congressional district, and only six members can belong to the same political party.

Unique Features

Unique features appear in the figures of a few states. For Arkansas, Kentucky, Massachusetts and Virginia, an additional office is represented. In Arkansas, the office of the director of the Division of Vocational and Technical Education is included because it is coequal with the office of the CSSO, who is the director of the Division of General Education. In Kentucky, Massachusetts and Virginia, the office of secretary of education is included.

In Montana, the SBE is made up of two separate appointed boards. This structural feature is represented by two rounded boxes depicting each board inside a larger rounded box symbolizing the SBE. *Two* solid lines (representing the act of appointing) originate with the governor and terminate at *each* of the smaller boxes. The number of voting members for the SBE is the sum of the members on each separate board.

In Pennsylvania, the appointed SBE is divided into two separate councils. This structural feature is represented by two rounded boxes depicting each council inside a larger rounded box symbolizing the SBE. *One* solid line originates with the governor and terminates at the larger SBE box. One of the 21 voting SBE members is designated by the governor as the chair of the SBE; this person serves on both councils and assigns the remaining SBE members to serve on either council.

In Louisiana, New Mexico and South Carolina, the SBE is made up of both elected and appointed members. This structural feature is represented by a rectangle depicting elected members and a rounded box symbolizing appointed members inside a larger rectangle made with dashed lines.

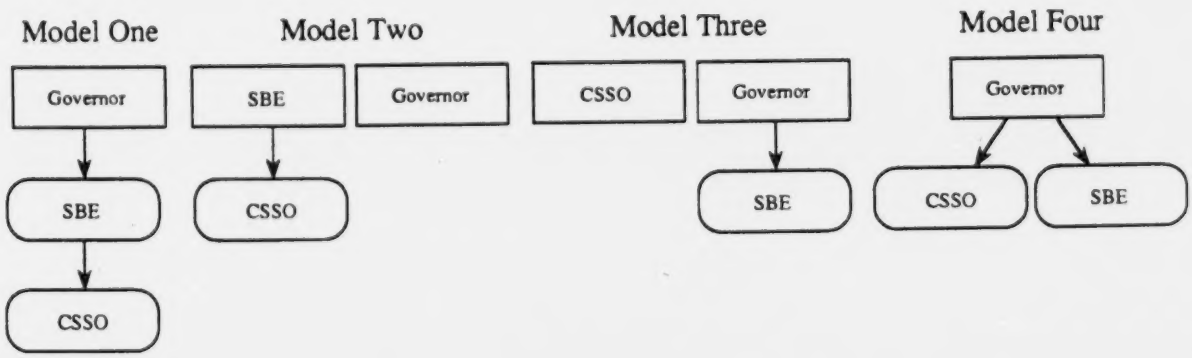
In Florida, the SBE is composed entirely of seven elected ex officio members, including the CSSO and the governor. This structural feature is represented by a large rectangle symbolizing the SBE and two smaller rectangles symbolizing the governor and CSSO inside.

In New York, the legislature elects the Board of Regents, which is the SBE in this state. This feature is represented by a dotted line that originates with the legislature and terminates at the SBE box.

In six states, the SBE also has some jurisdiction over higher education. Boards or commissions of higher education are reflected in the figures only if they are part of the SBE that has jurisdiction over K-12 education. In the four states where the SBE has *governing* authority over higher education, the SBE element says, "also has jurisdiction over higher education." In the two states where the SBE has *planning and coordinating* authority over higher education, this information is provided in a footnote. Higher education commissions are not reflected in the figures for the 41 states with such commissions that are not part of the SBE.

Individual State Figures

The numbers on this map correspond to the four basic models of education governance.
States without numbers do not conform to one of the four basic models (also see page 9).

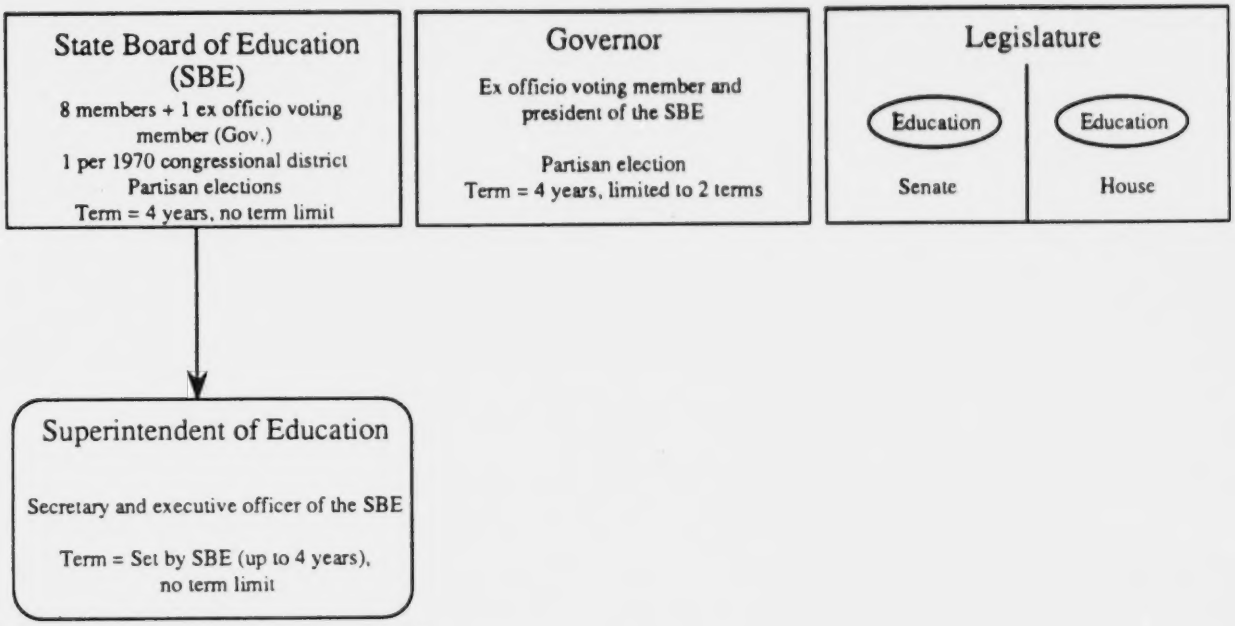


(See the following pages for figures with detailed information about education governance in each state.)

Alabama
(Model 2)

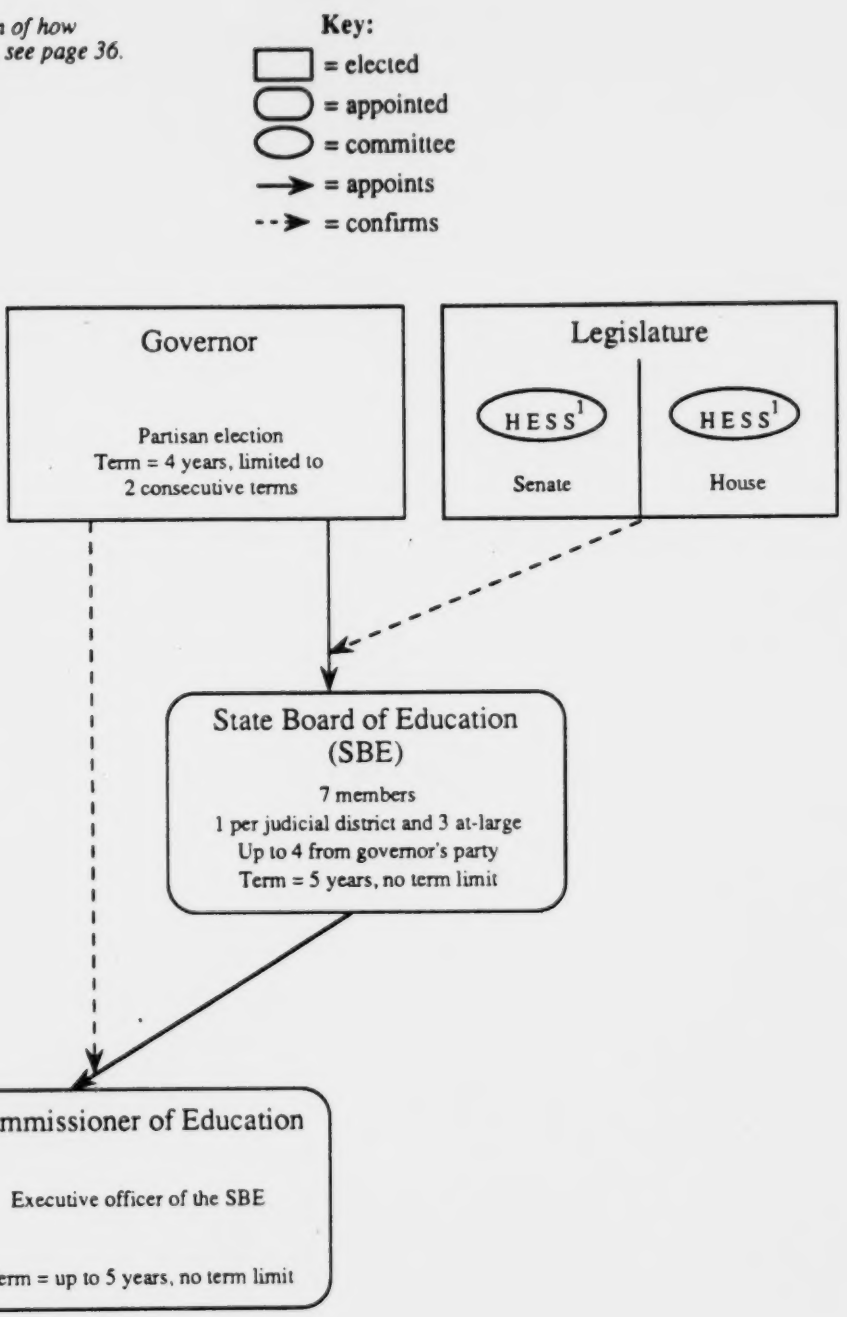
For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --➤ = confirms


State Board of Education (SBE)
8 members + 1 ex officio voting member (Gov.)
1 per 1970 congressional district
Partisan elections
Term = 4 years, no term limit
Governor
Ex officio voting member and president of the SBE
Partisan election
Term = 4 years, limited to 2 terms
Legislature
Education
Senate
Education
House
Superintendent of Education
Secretary and executive officer of the SBE
Term = Set by SBE (up to 4 years), no term limit

Alaska
(Model 1)

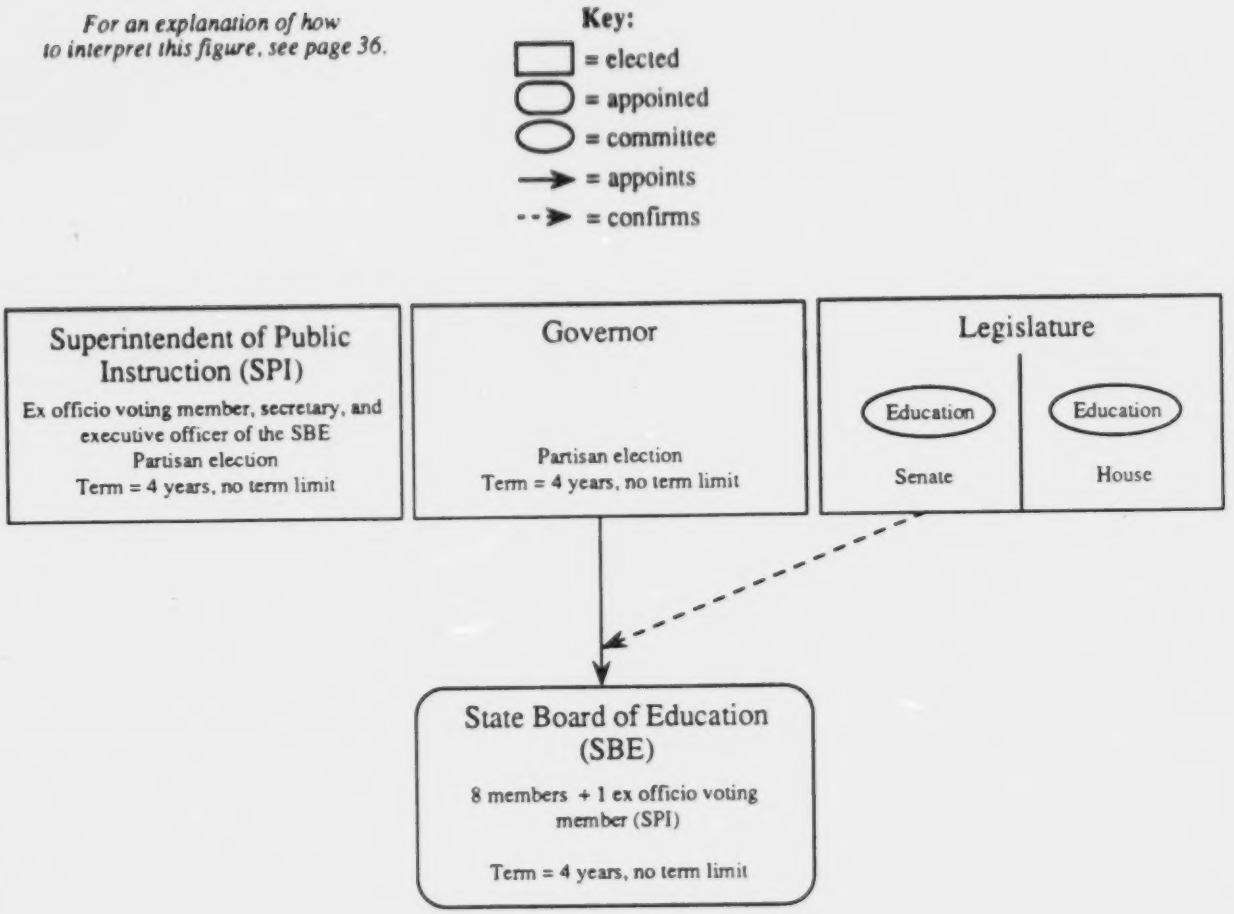
For an explanation of how to interpret this figure, see page 36.



1. Health, Education, and Social Services Committee

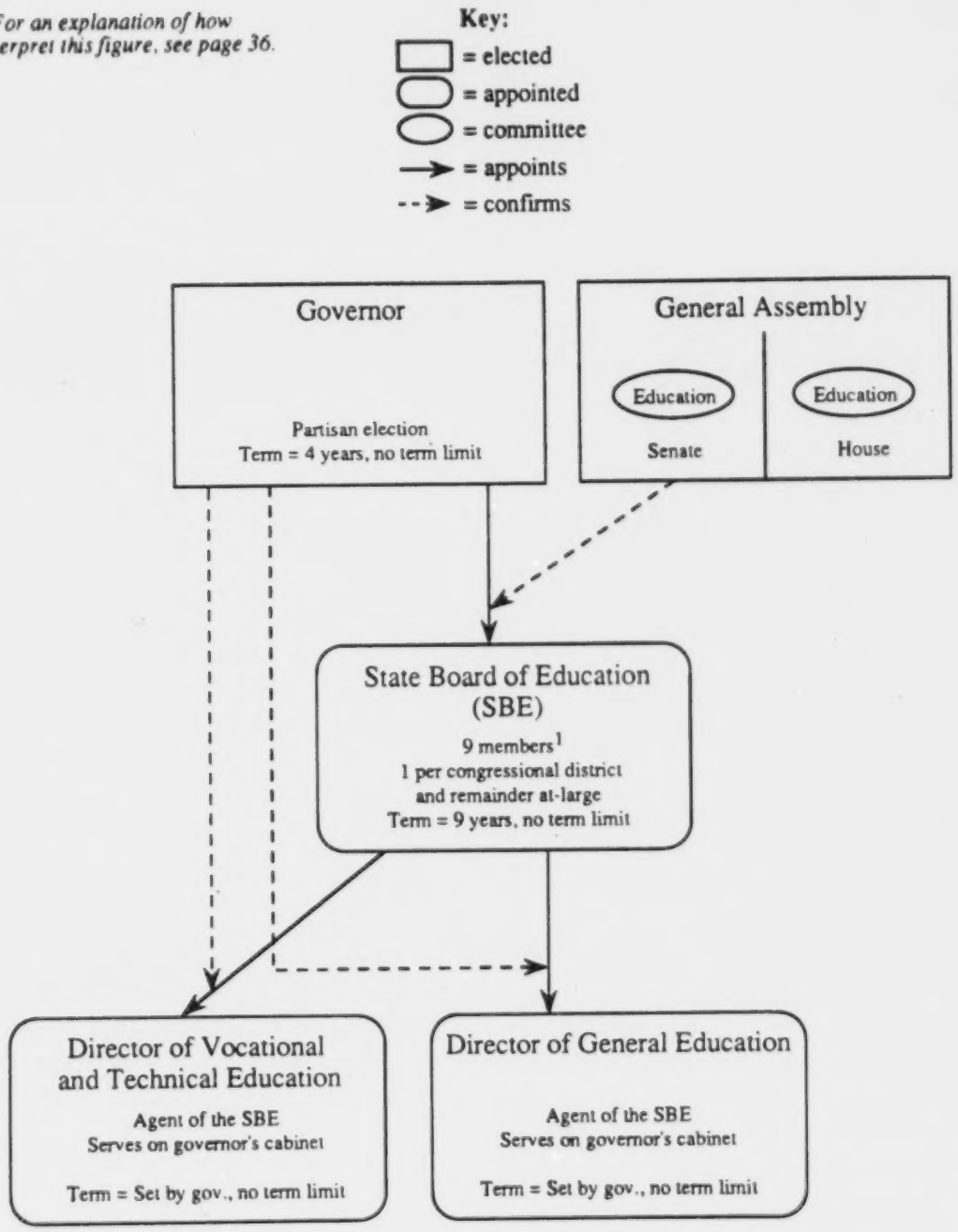
Arizona
(Model 3)

For an explanation of how to interpret this figure, see page 36.



Arkansas
(Model 1)

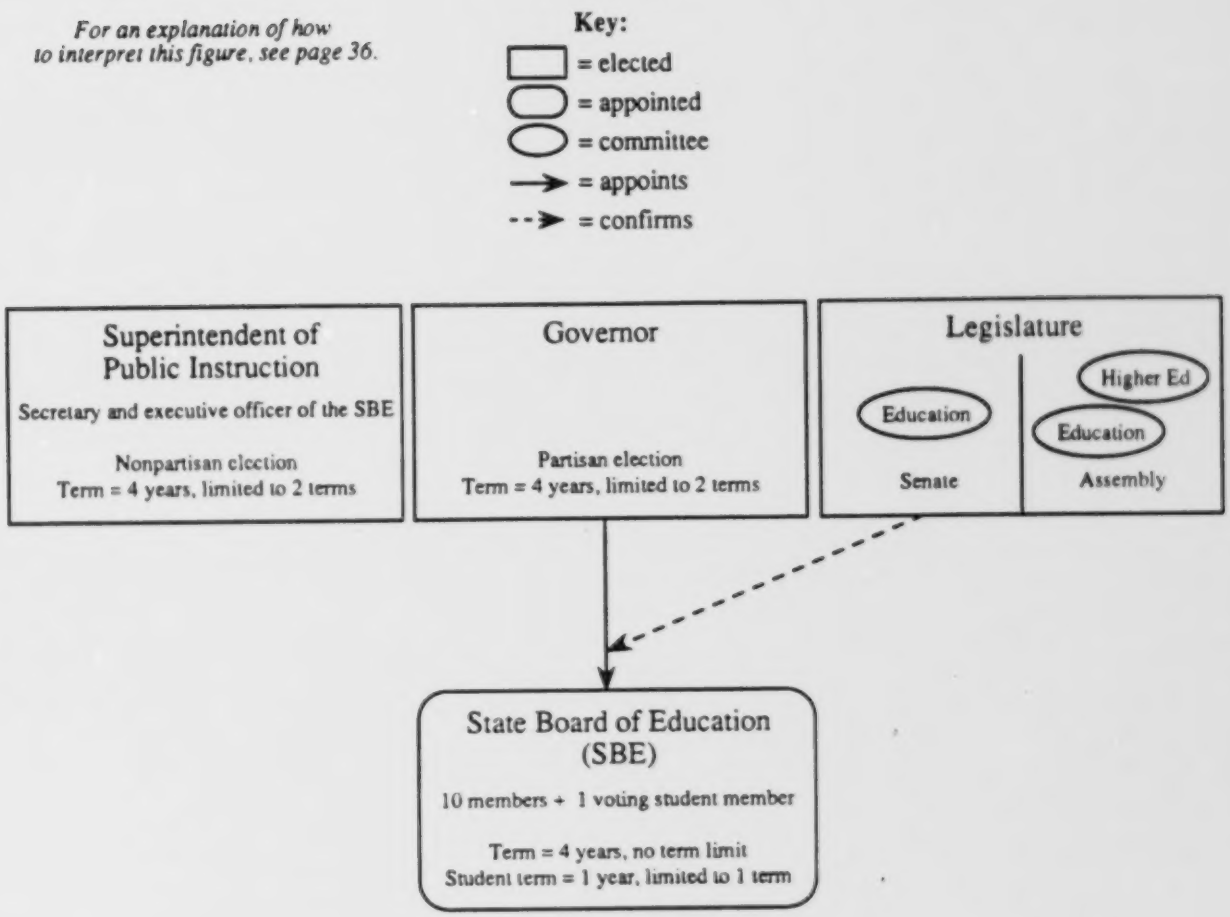
For an explanation of how to interpret this figure, see page 36.



1. The SBE shall never have fewer than six members.

California
(Model 3)

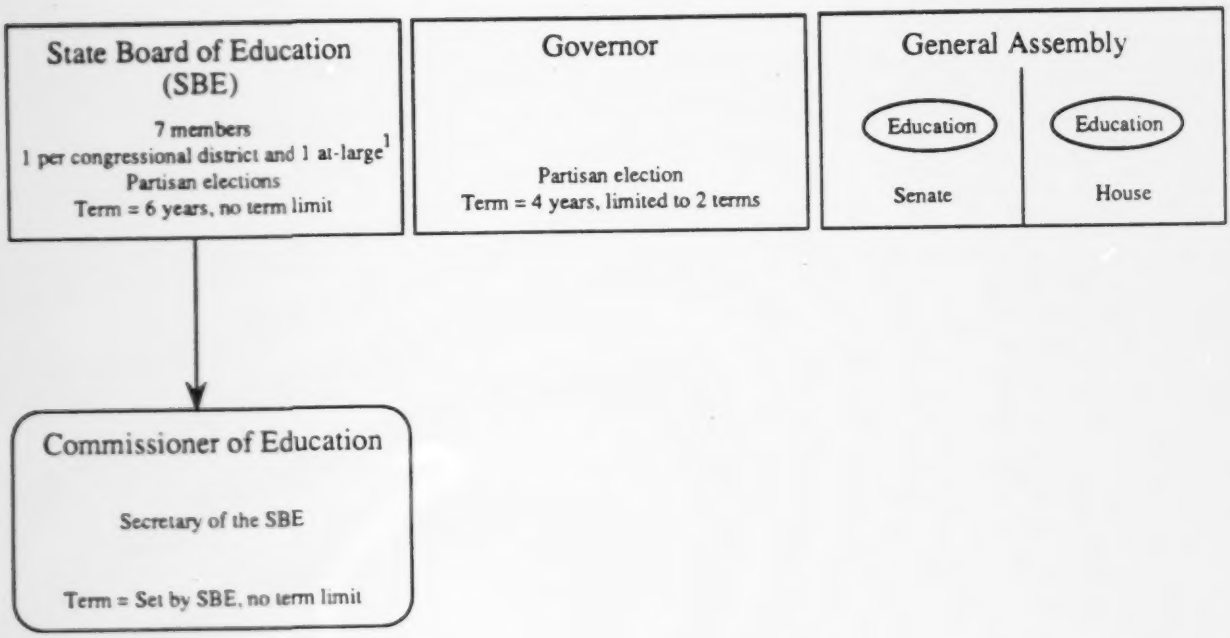
For an explanation of how to interpret this figure, see page 36.



Colorado
(Model 2)

For an explanation of how to interpret this figure, see page 36.

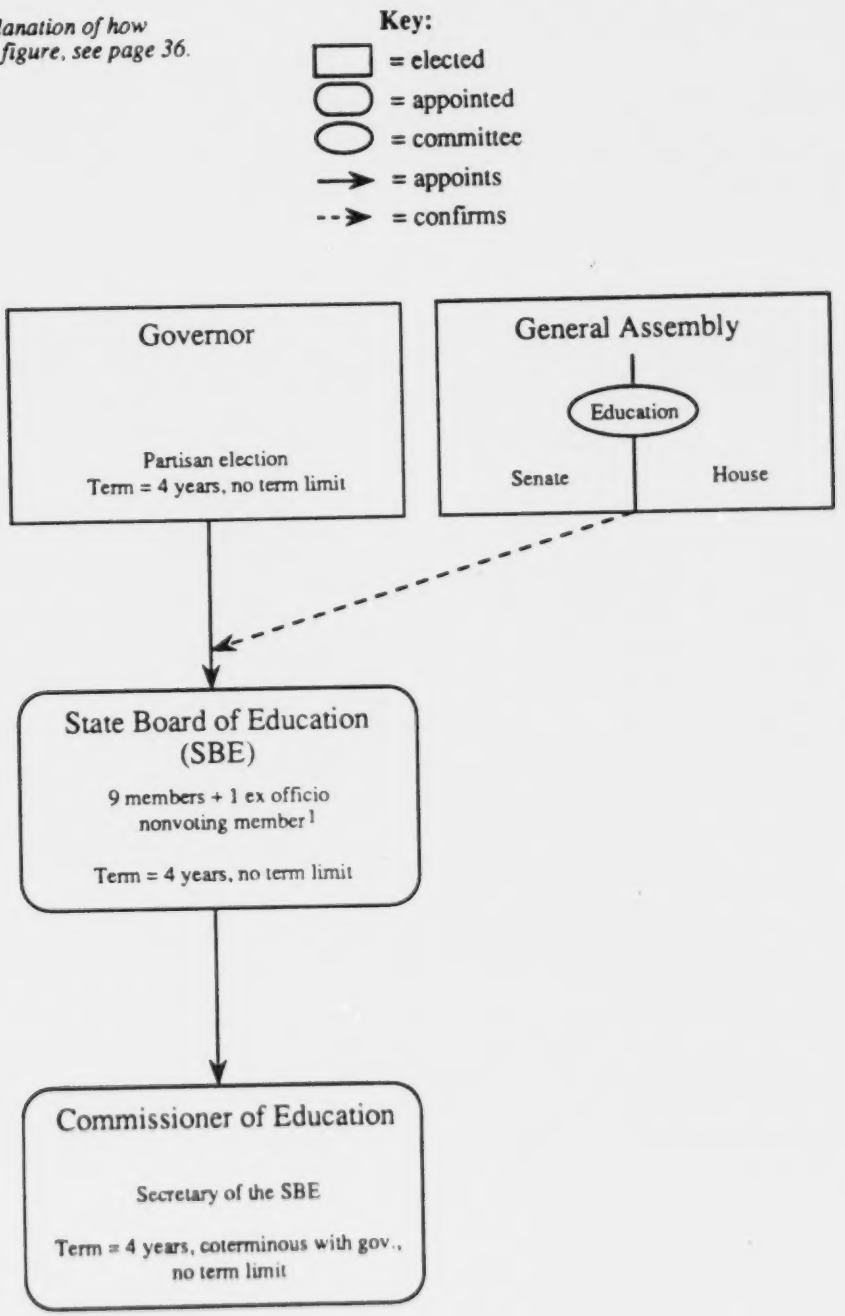
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --➤ = confirms



1. There is an at-large member only when there is an even number of congressional districts.

Connecticut
(Model 1)

For an explanation of how to interpret this figure, see page 36.

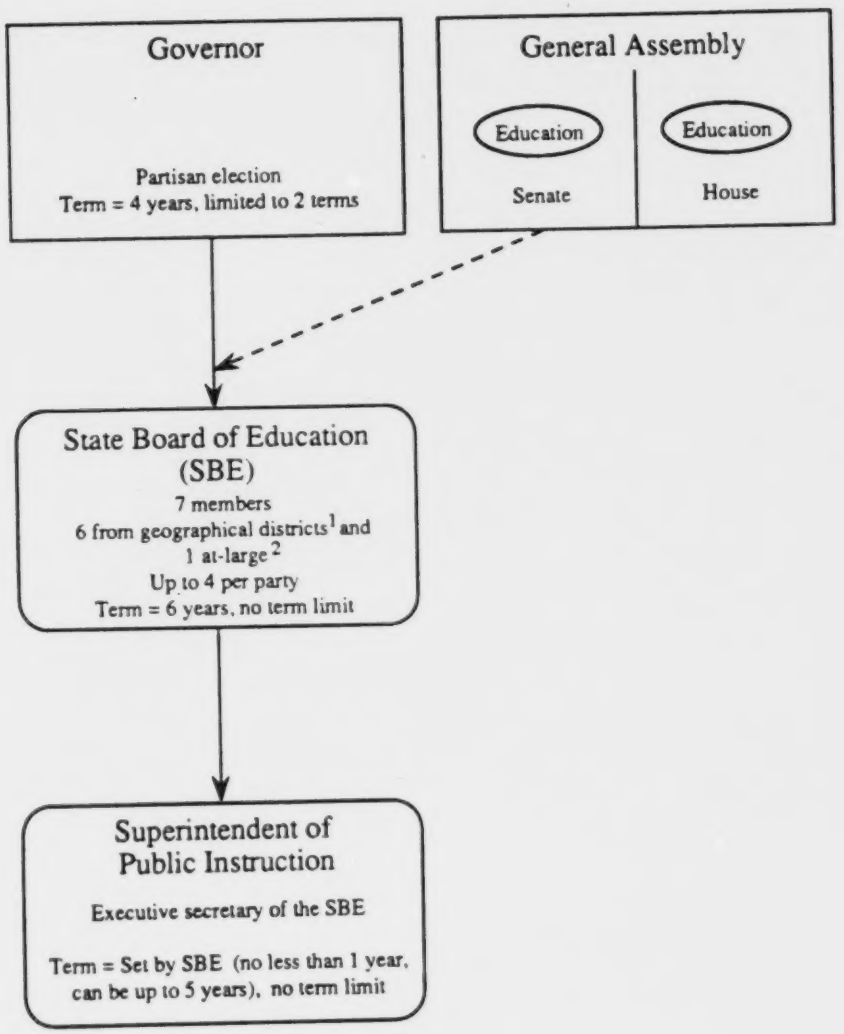


1. The commissioner of higher education is the ex officio member.

Delaware
(Model 1)

For an explanation of how to interpret this figure, see page 36.

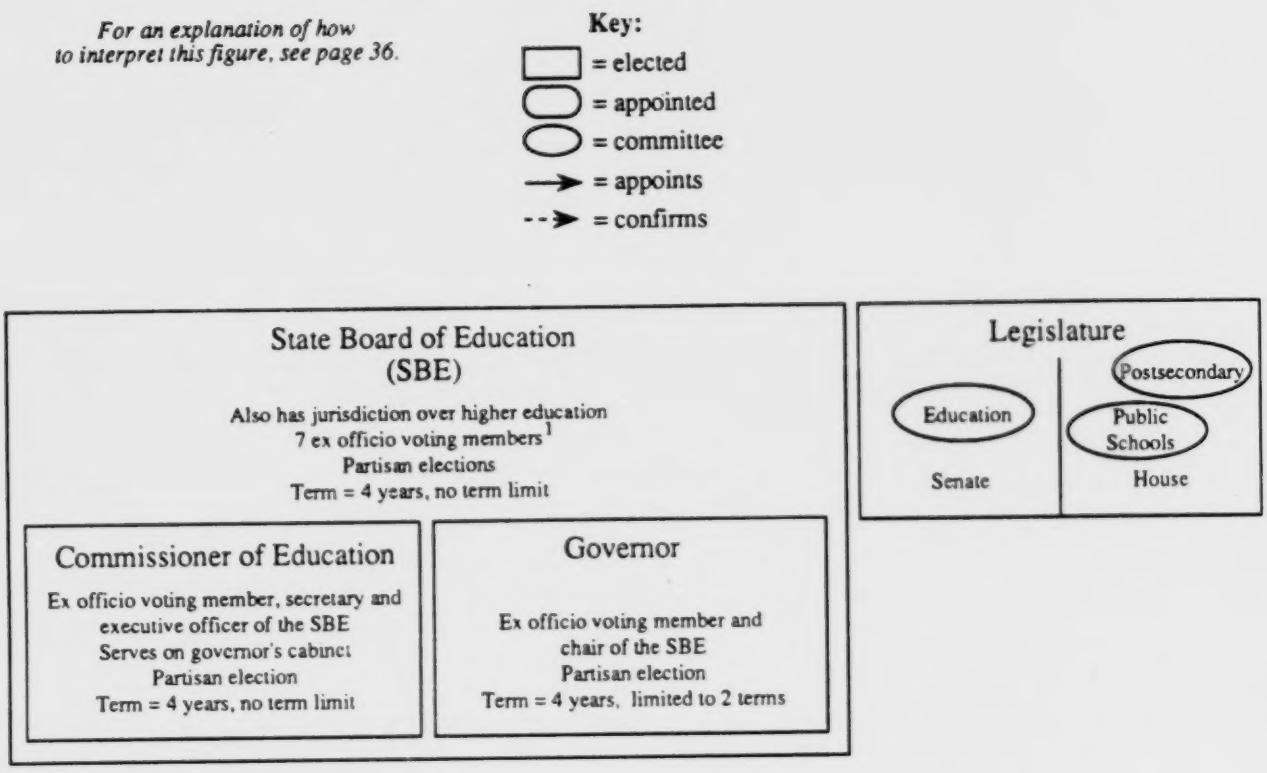
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms


Governor
Partisan election
Term = 4 years, limited to 2 terms
General Assembly
Education
Senate
Education
House
State Board of Education (SBE)
7 members
6 from geographical districts[1] and 1 at-large[2]
Up to 4 per party
Term = 6 years, no term limit
Superintendent of Public Instruction
Executive secretary of the SBE
Term = Set by SBE (no less than 1 year, can be up to 5 years), no term limit

1. One member must be from Kent County, one from Sussex County, one from the city of Wilmington, and three from New Castle County excluding Wilmington.
2. The at-large member is named by and serves at the pleasure of the governor.

Florida

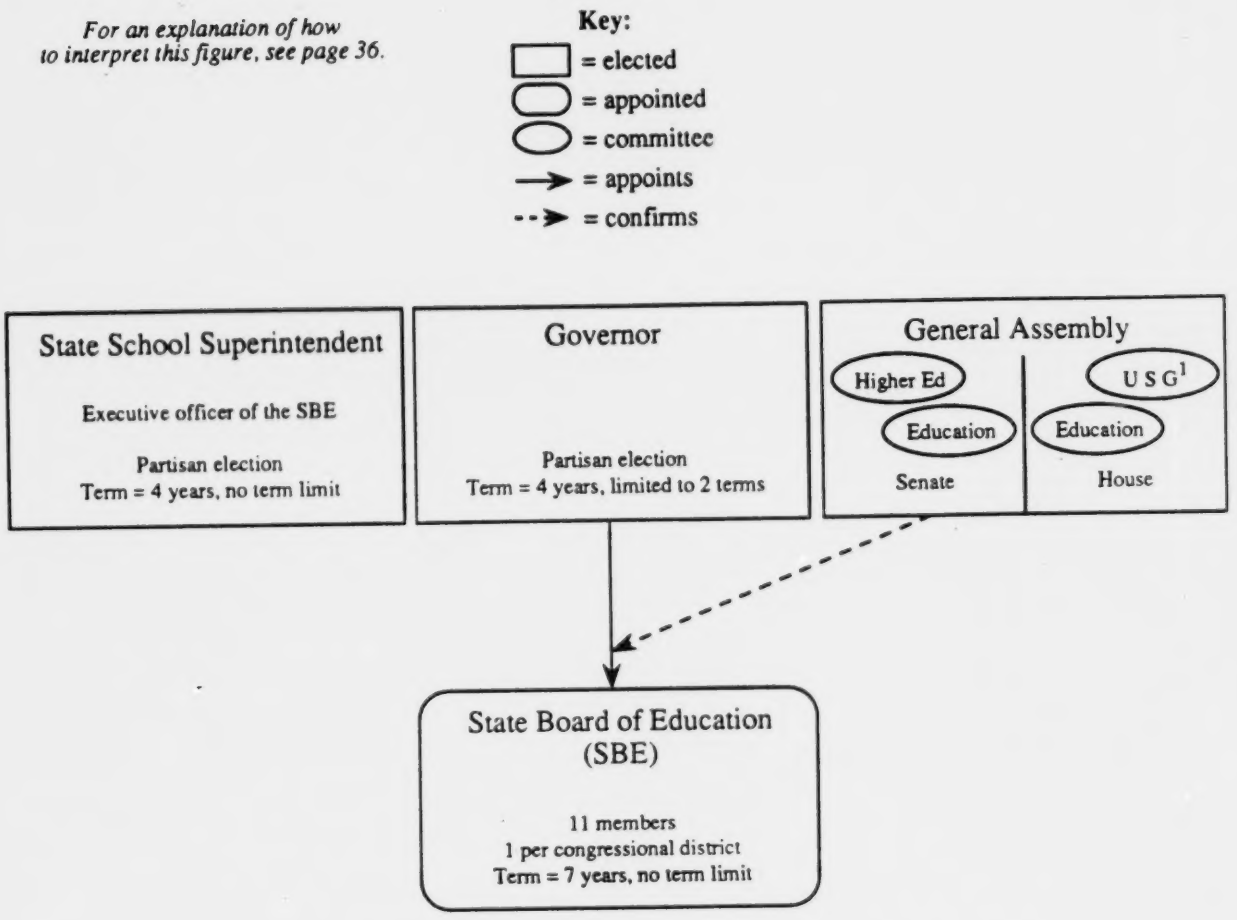
For an explanation of how to interpret this figure, see page 36.



1. The SBE includes the governor, secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture, and commissioner of education.

Georgia
(Model 3)

For an explanation of how to interpret this figure, see page 36.

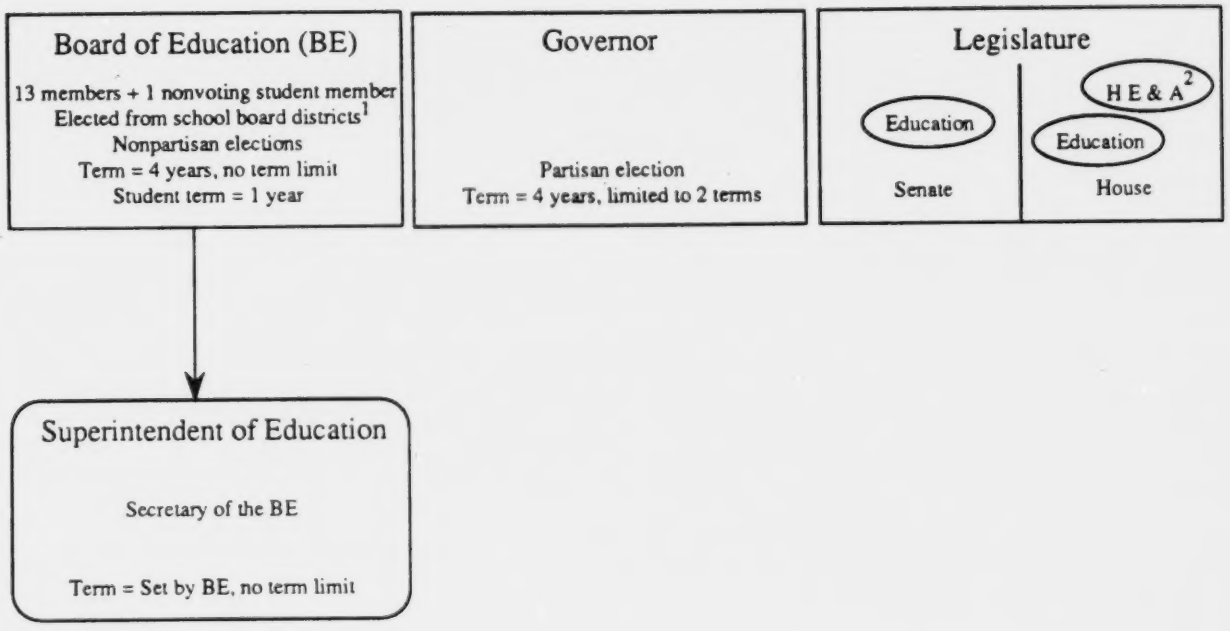


1. University System of Georgia Committee

Hawaii
(Model 2)

For an explanation of how to interpret this figure, see page 36.

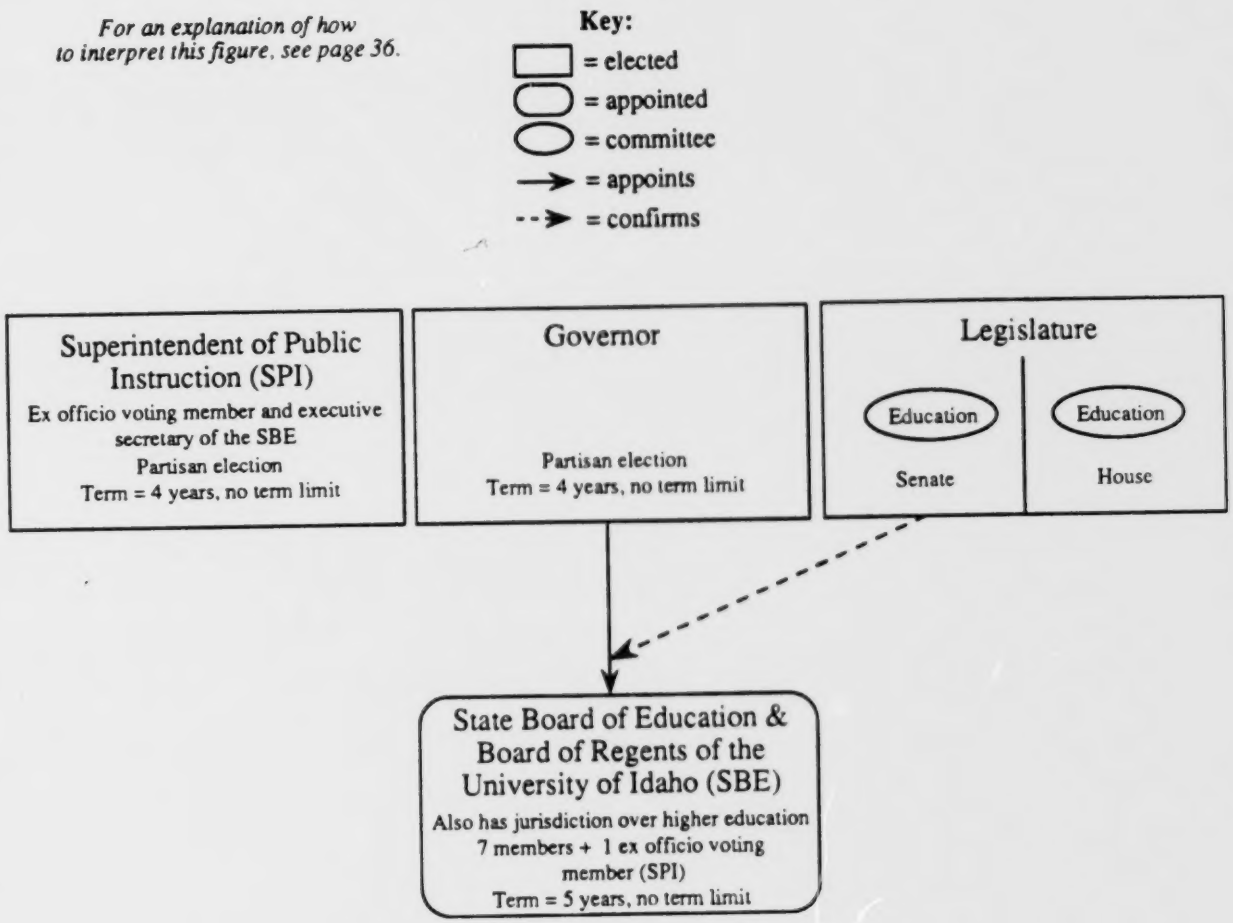
Key:
= elected
= appointed
= committee
= appoints
= confirms



1. Based on population, 10 members are elected from the first school board district and 3 members are elected from the second school board district.
2. Higher Education and the Arts Committee

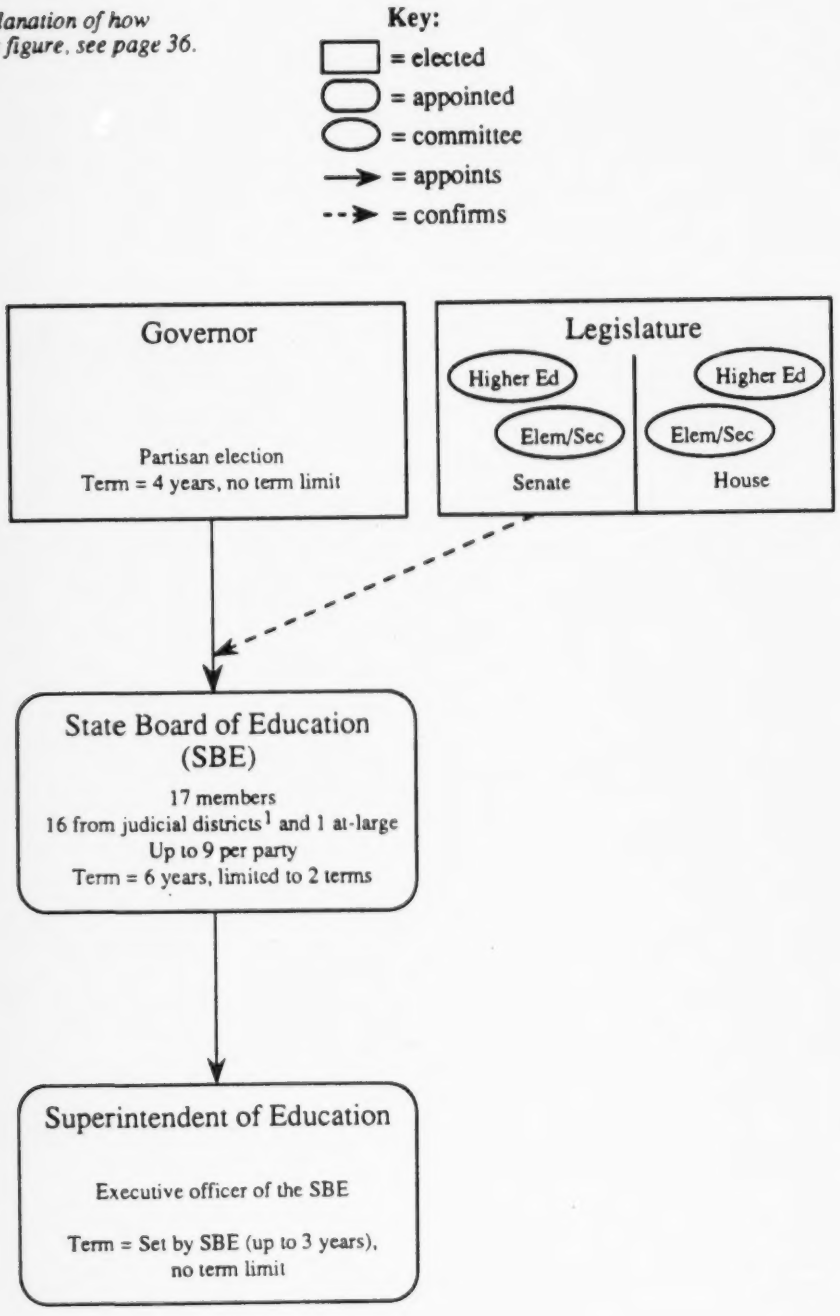
Idaho
(Model 3)

For an explanation of how to interpret this figure, see page 36.



Illinois
(Model 1)

For an explanation of how to interpret this figure, see page 36.

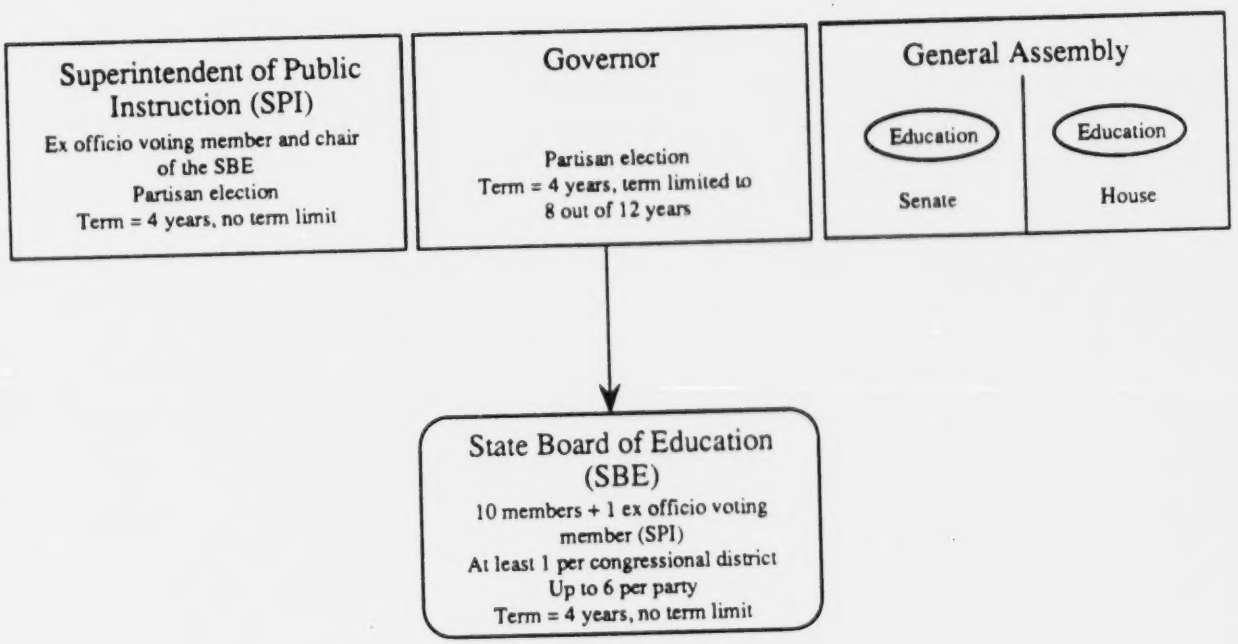


1. Eight members must be from the first judicial district (four from Chicago and four from Cook County outside Chicago), and eight members must be from the other four judicial districts (two members per district).

Indiana
(Model 3)

For an explanation of how to interpret this figure, see page 36.

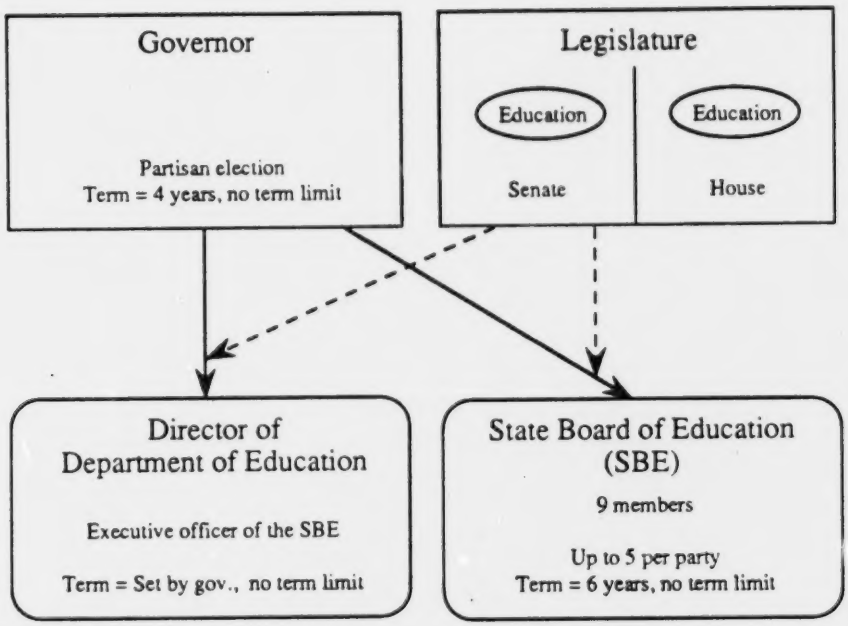
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms


Superintendent of Public Instruction (SPI)
Ex officio voting member and chair of the SBE
Partisan election
Term = 4 years, no term limit
Governor
Partisan election
Term = 4 years, term limited to 8 out of 12 years
General Assembly
Education
Senate
Education
House
State Board of Education (SBE)
10 members + 1 ex officio voting member (SPI)
At least 1 per congressional district
Up to 6 per party
Term = 4 years, no term limit

Iowa
(Model 4)

For an explanation of how to interpret this figure, see page 36.

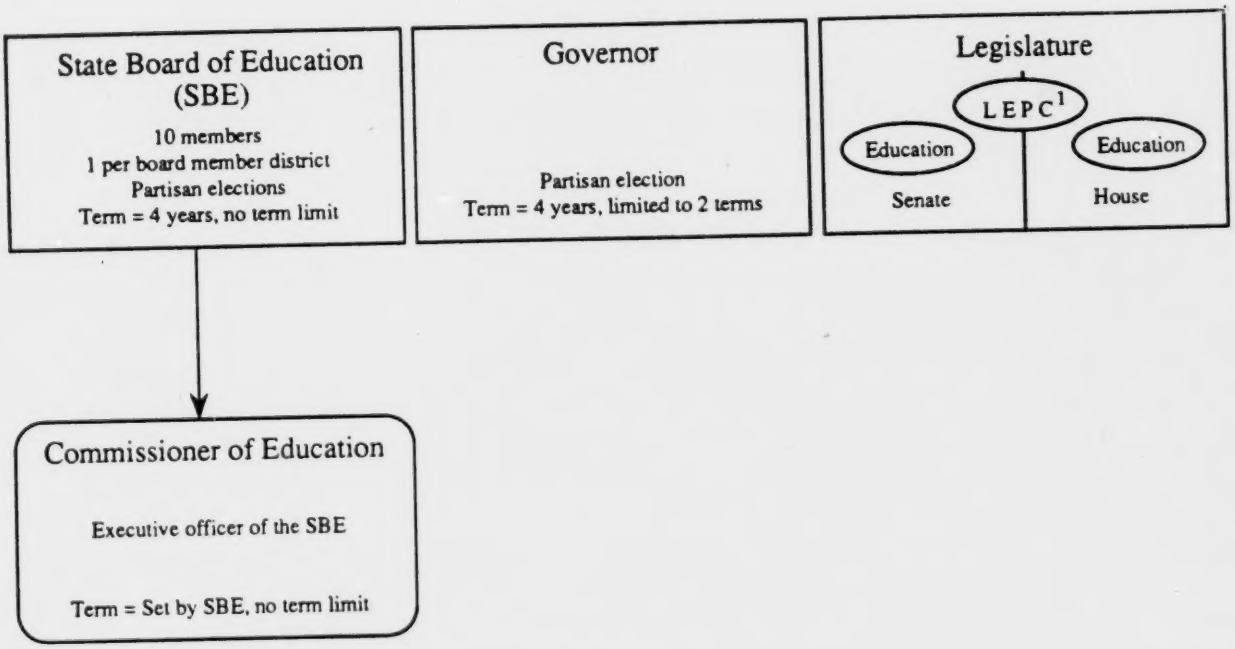
Key:
= elected
= appointed
= committee
= appoints
= confirms



Kansas
(Model 2)

For an explanation of how to interpret this figure, see page 36.

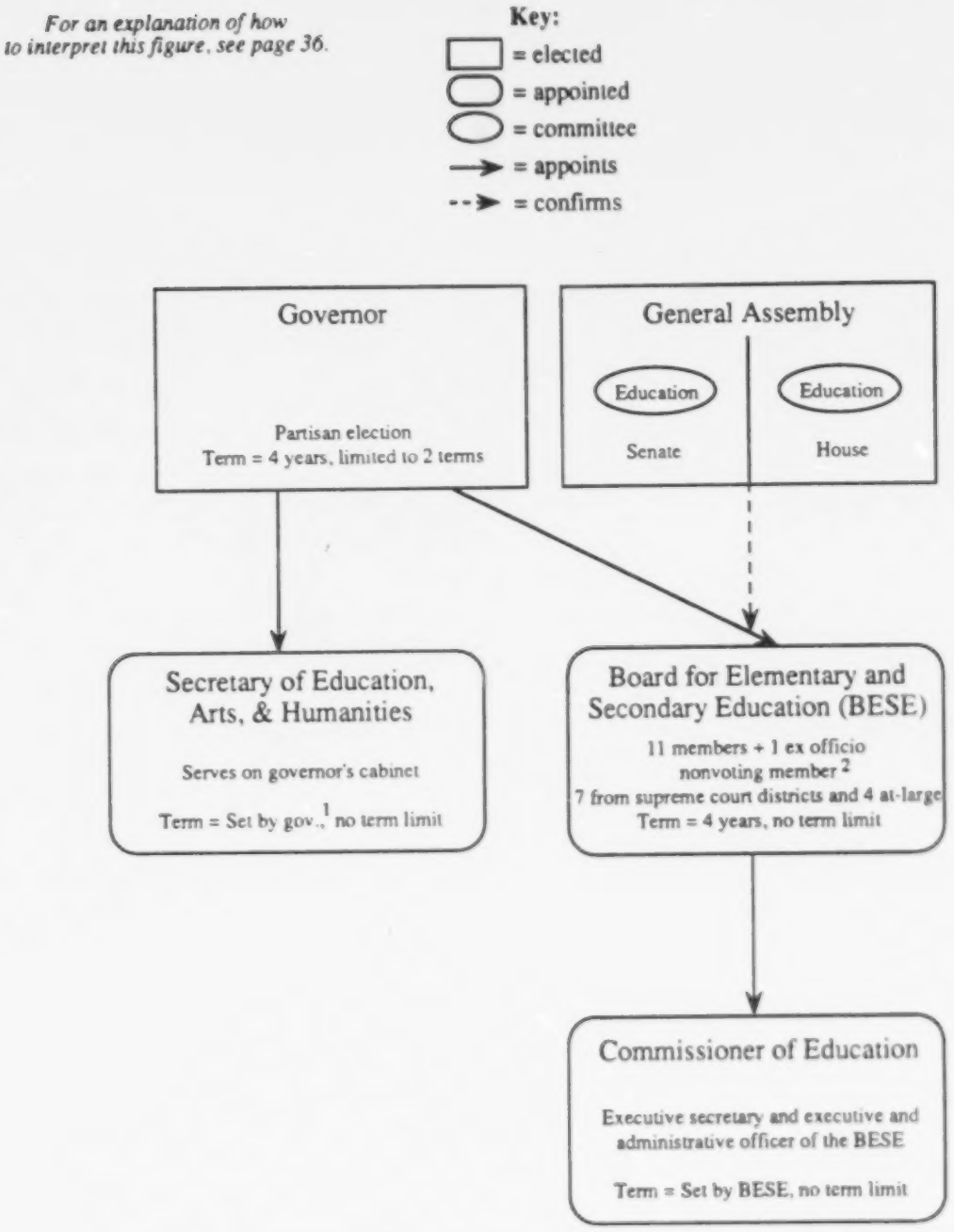
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --➤ = confirms



1. Joint Legislative Educational Planning Committee

Kentucky

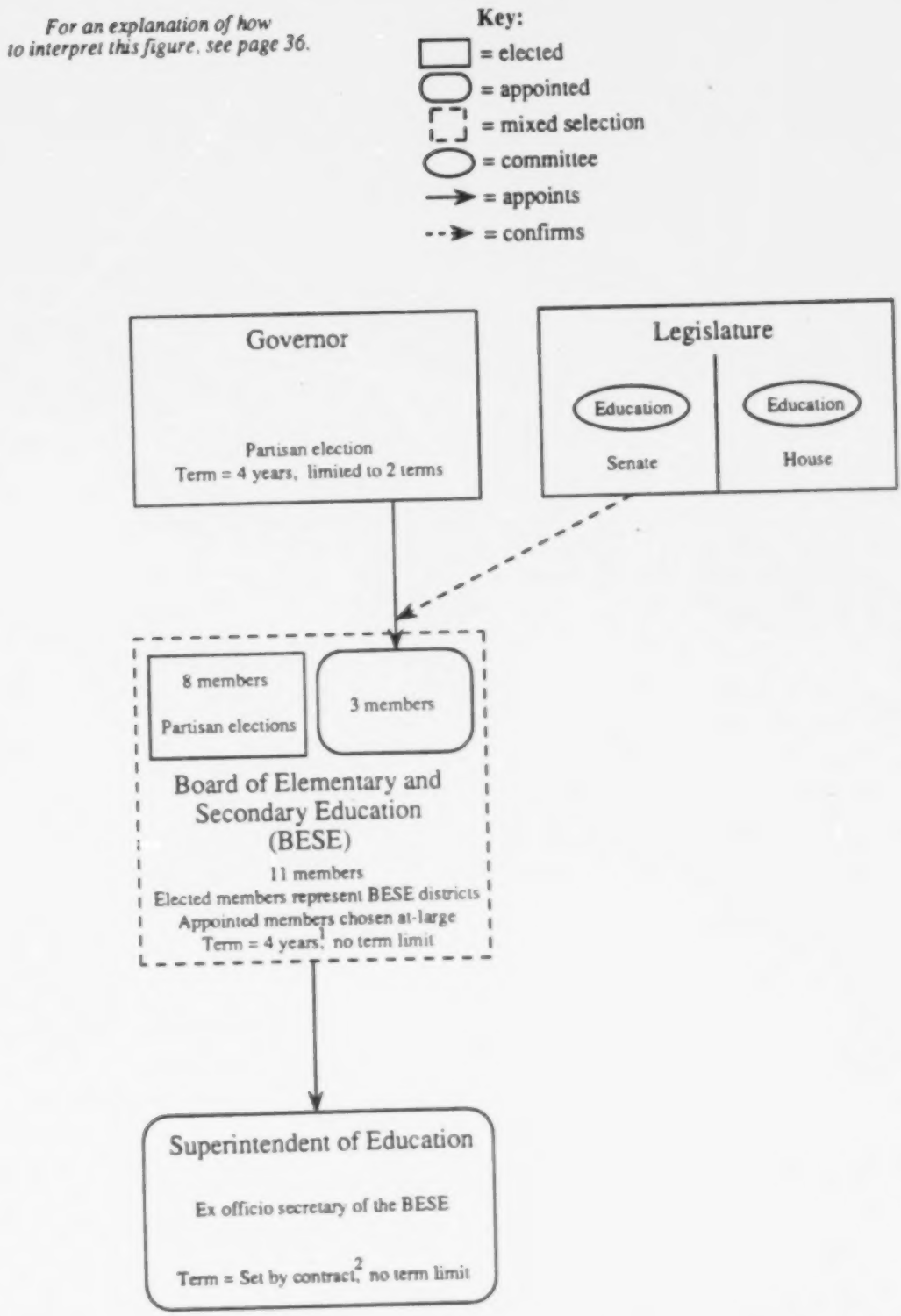
For an explanation of how to interpret this figure, see page 36.


Key:
= elected
= appointed
= committee
= appoints
= confirms
Governor
Partisan election
Term = 4 years, limited to 2 terms
General Assembly
Education
Education
Senate
House
Secretary of Education, Arts, & Humanities
Serves on governor's cabinet
Term = Set by gov.,[1] no term limit
Board for Elementary and Secondary Education (BESE)
11 members + 1 ex officio nonvoting member[2]
7 from supreme court districts and 4 at-large
Term = 4 years, no term limit
Commissioner of Education
Executive secretary and executive and administrative officer of the BESE
Term = Set by BESE, no term limit

1. The secretary's term is concurrent with the governor's term.
2. The executive director of the Council on Higher Education is the ex officio member.

Louisiana

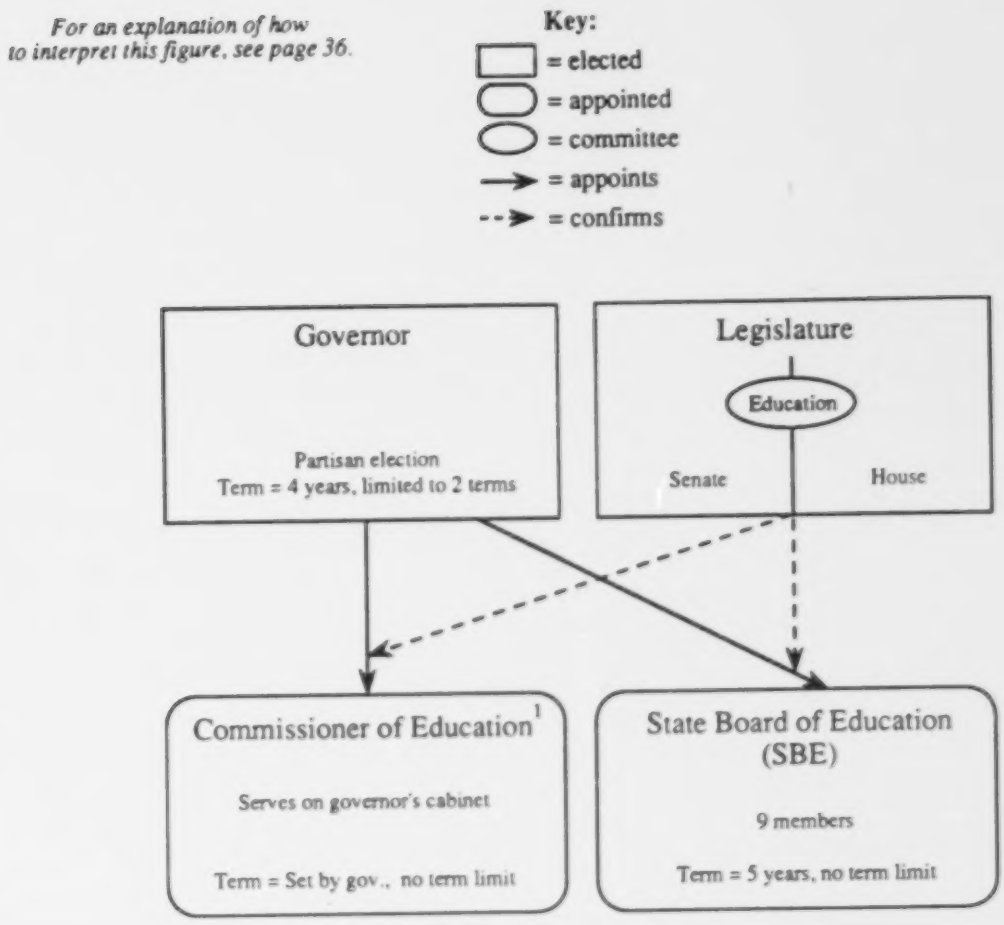
For an explanation of how to interpret this figure, see page 36.



1. Members' terms are concurrent with the governor's term.
2. The superintendent's contract may not exceed the term of the BESE members who make the appointment.

Maine
(Model 4)

For an explanation of how to interpret this figure, see page 36.

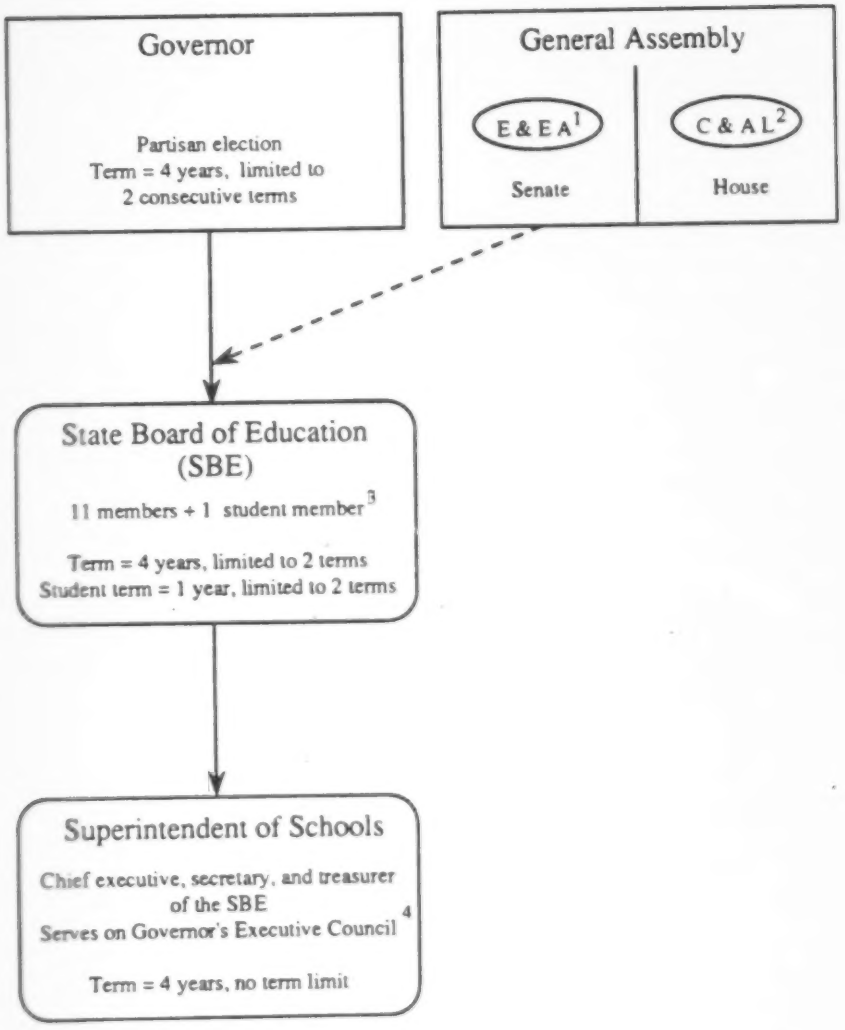


1. The governor shall consider the SBE's appraisal of commissioner candidates prior to making a nomination. The appointment is subject to review by the Joint Education Committee.

Maryland
(Model 1)

For an explanation of how to interpret this figure, see page 36.

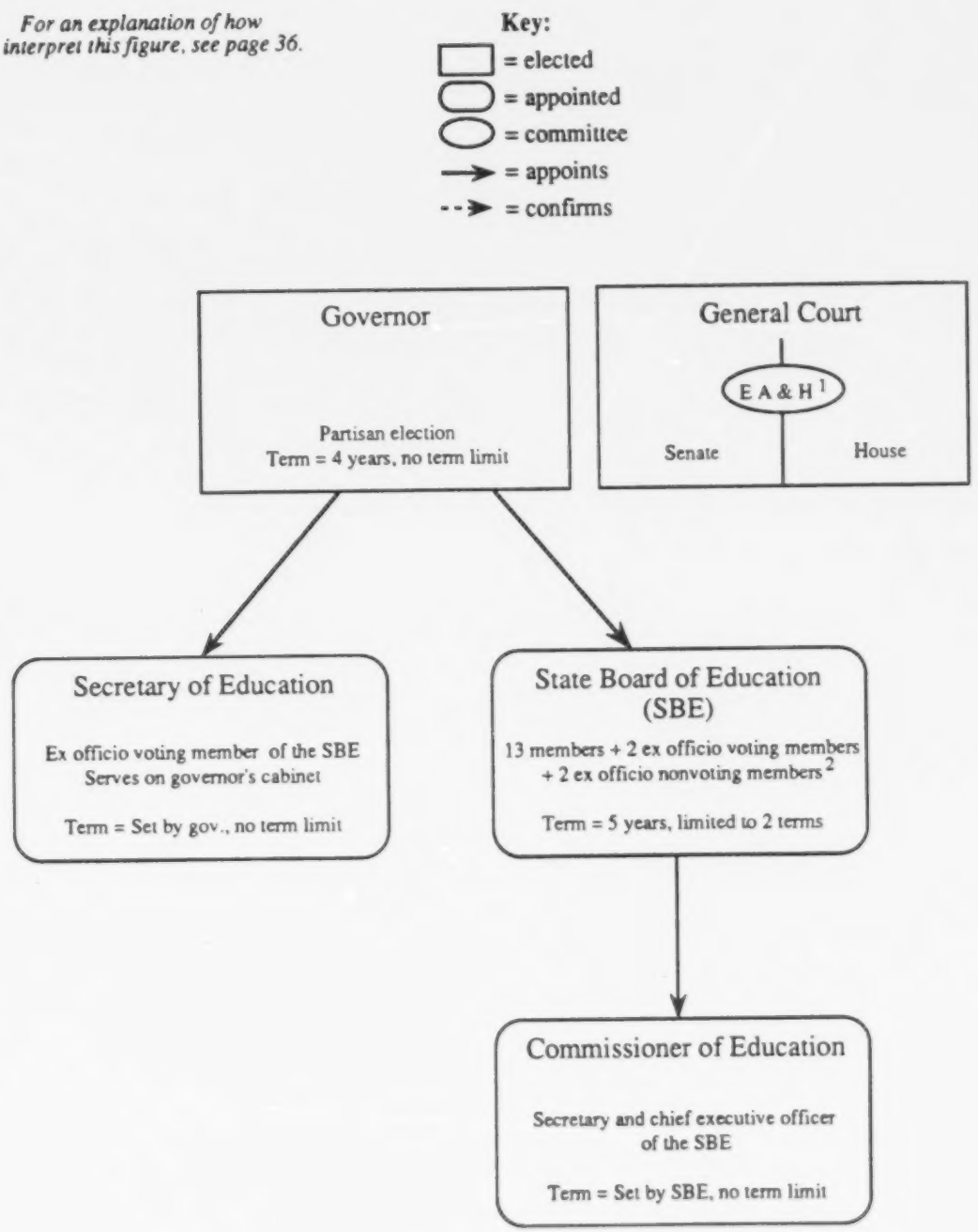
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms


Governor
Partisan election
Term = 4 years, limited to 2 consecutive terms
General Assembly
E&EA[1]
Senate
C&AL[2]
House
State Board of Education (SBE)
11 members + 1 student member[3]
Term = 4 years, limited to 2 terms
Student term = 1 year, limited to 2 terms
Superintendent of Schools
Chief executive, secretary, and treasurer of the SBE
Serves on Governor's Executive Council[4]
Term = 4 years, no term limit

1. Economic and Environmental Affairs Committee
2. Constitutional and Administrative Law Committee
3. The student member has limited voting privileges.
4. The purposes of the Governor's Executive Council are coordination and effective direction and supervision of state government.

Massachusetts

For an explanation of how to interpret this figure, see page 36.


Key:
= elected
= appointed
= committee
= appoints
= confirms
Governor
Partisan election
Term = 4 years, no term limit
General Court
E A & H [1]
Senate
House
Secretary of Education
Ex officio voting member of the SBE
Serves on governor's cabinet
Term = Set by gov., no term limit
State Board of Education (SBE)
13 members + 2 ex officio voting members + 2 ex officio nonvoting members [2]
Term = 5 years, limited to 2 terms
Commissioner of Education
Secretary and chief executive officer of the SBE
Term = Set by SBE, no term limit

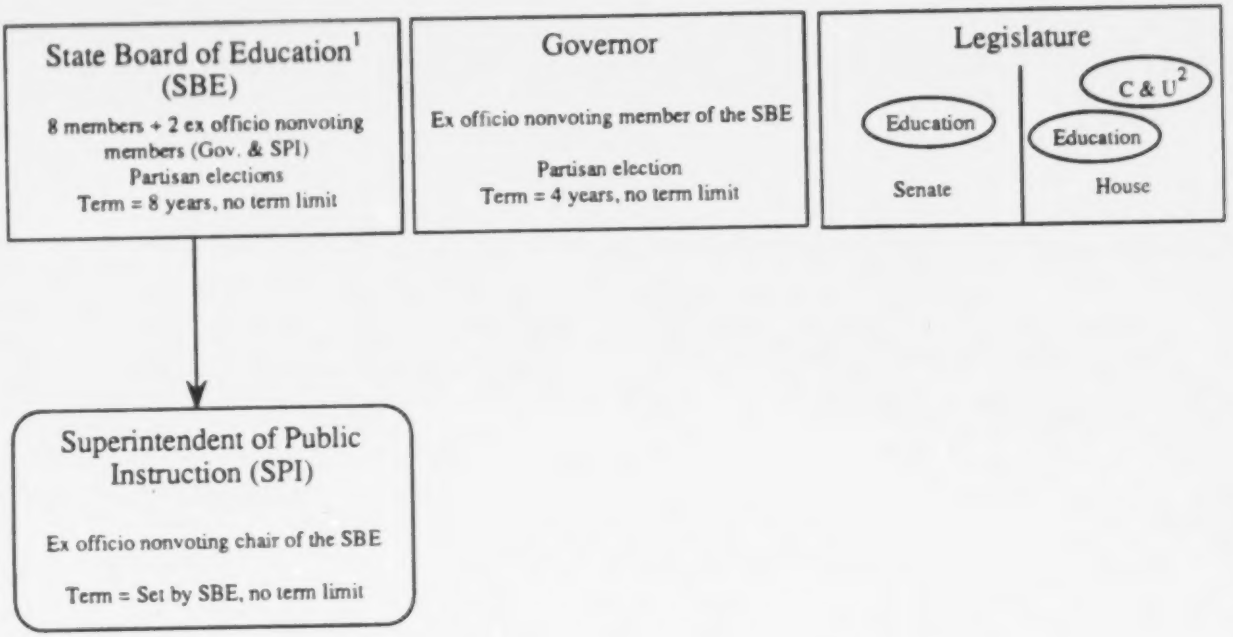
1. Education, Arts, and Humanities Committee
2. The secretary of education and the chair of the Student Advisory Council are ex officio voting members. The chancellor of higher education and the director of research of the Advisory Council on Education are the ex officio nonvoting members.

Michigan
(Model 2)

For an explanation of how to interpret this figure, see page 36.

Key:

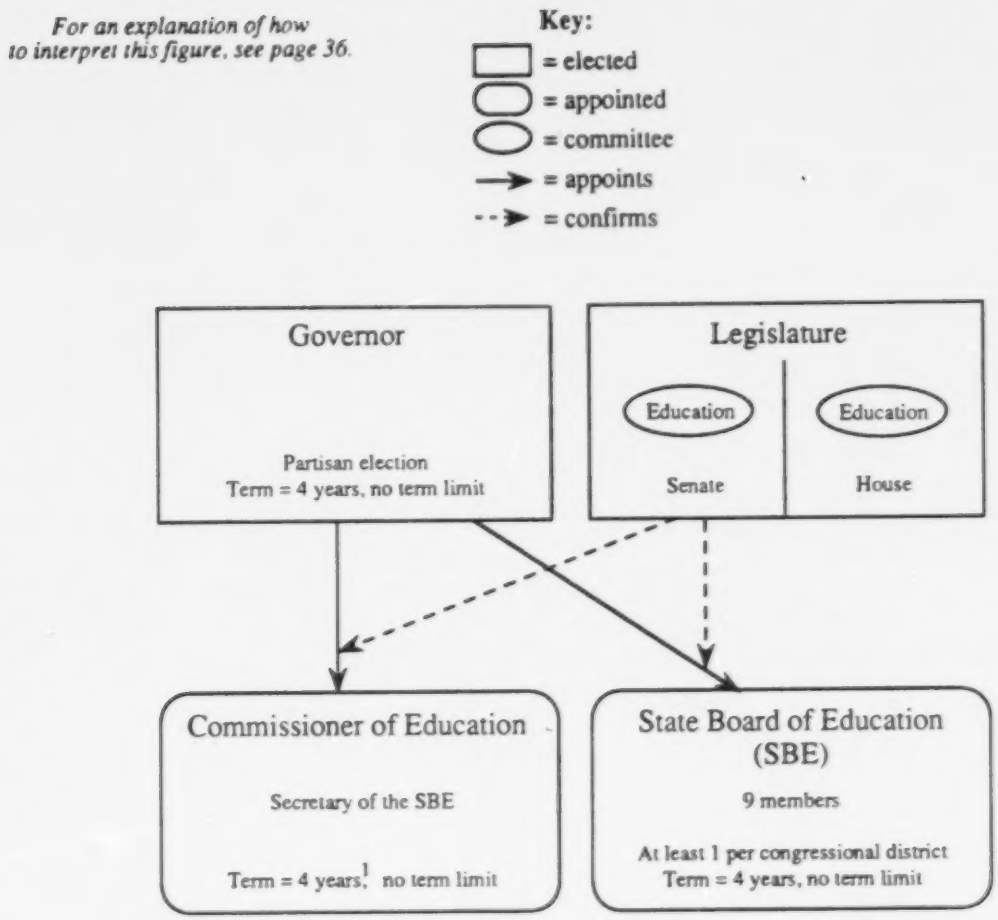
- = elected
- = appointed
- = committee
- → = appoints
- --➤ = confirms


State Board of Education[1] (SBE)
8 members + 2 ex officio nonvoting members (Gov. & SPI)
Partisan elections
Term = 8 years, no term limit
Governor
Ex officio nonvoting member of the SBE
Partisan election
Term = 4 years, no term limit
Legislature
Education
Senate
C & U[2]
Education
House
Superintendent of Public Instruction (SPI)
Ex officio nonvoting chair of the SBE
Term = Set by SBE, no term limit

1. The SBE serves as the general planning and coordinating body for all public education, including higher education.
2. Colleges and Universities Committee

Minnesota
(Model 4)

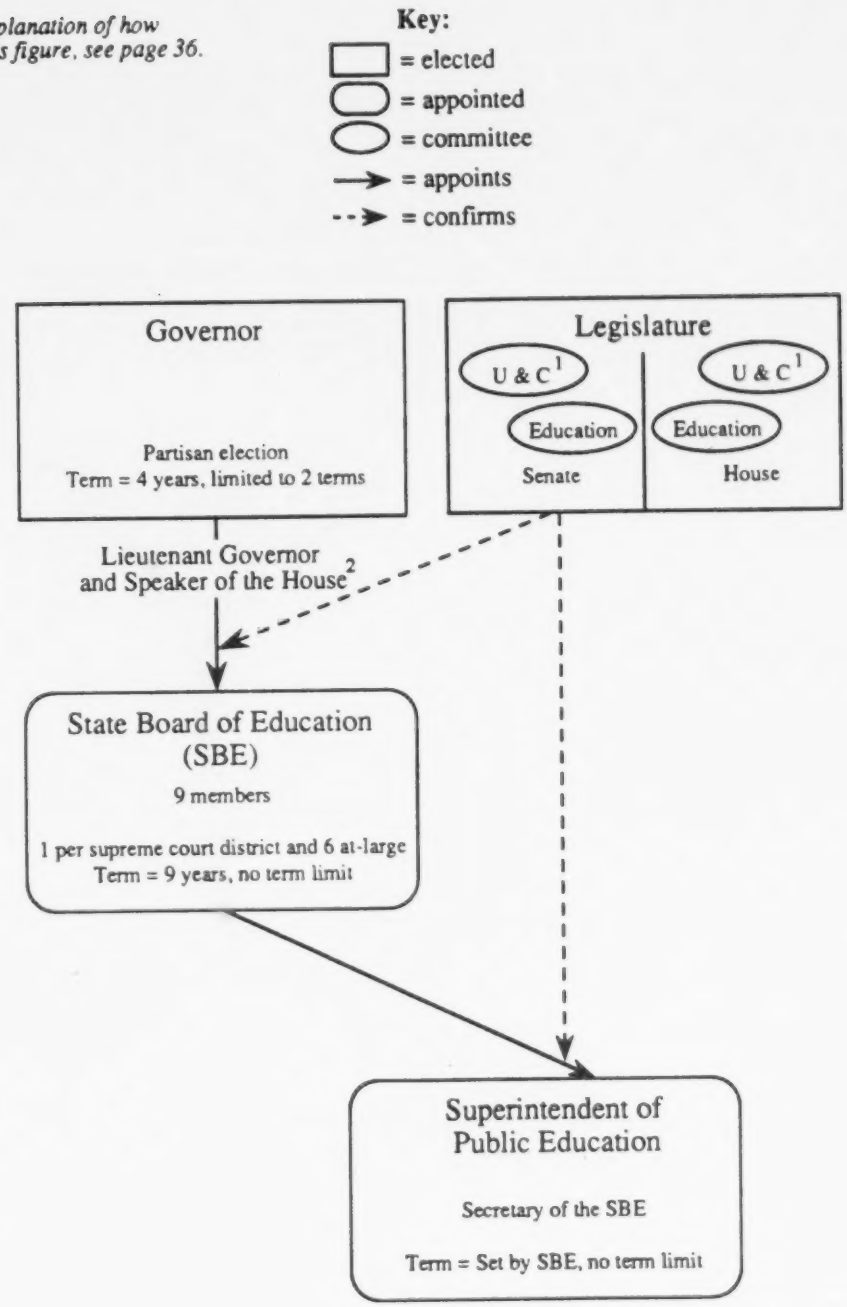
For an explanation of how to interpret this figure, see page 36.



1. The commissioner's term is concurrent with the governor's term.

Mississippi

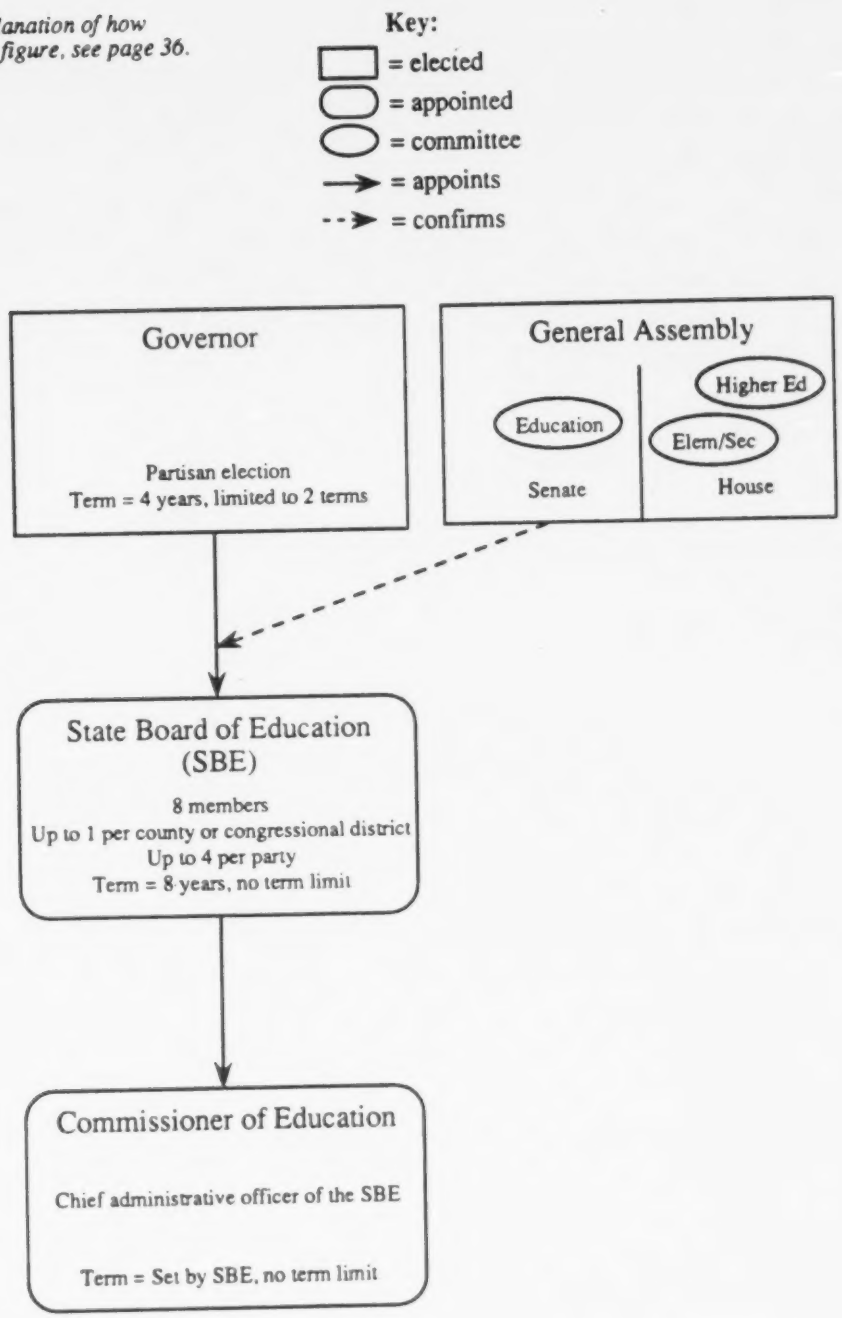
For an explanation of how to interpret this figure, see page 36.



1. Universities and Colleges Committee
2. Only five members are appointed by the governor. Two at-large members are appointed by the lieutenant governor, and two at-large members are appointed by the speaker of the house.

Missouri
(Model 1)

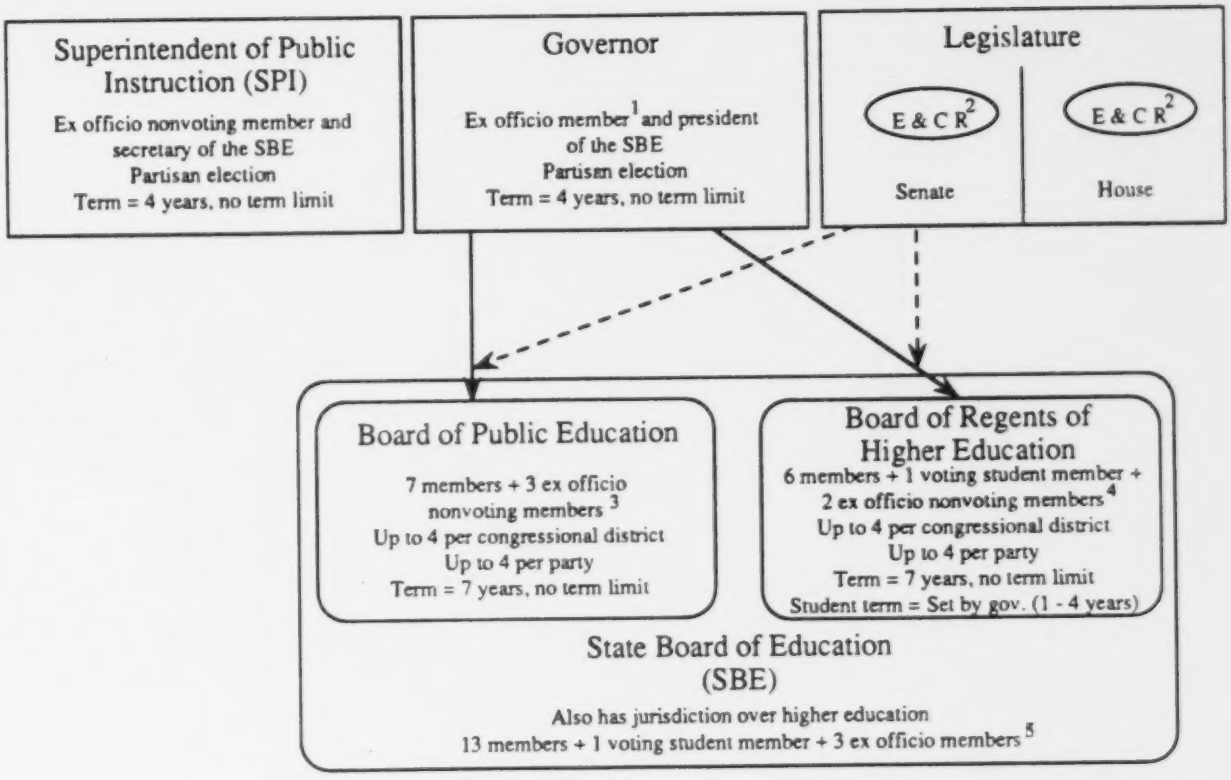
For an explanation of how to interpret this figure, see page 36.



Montana
(Model 3)

For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms

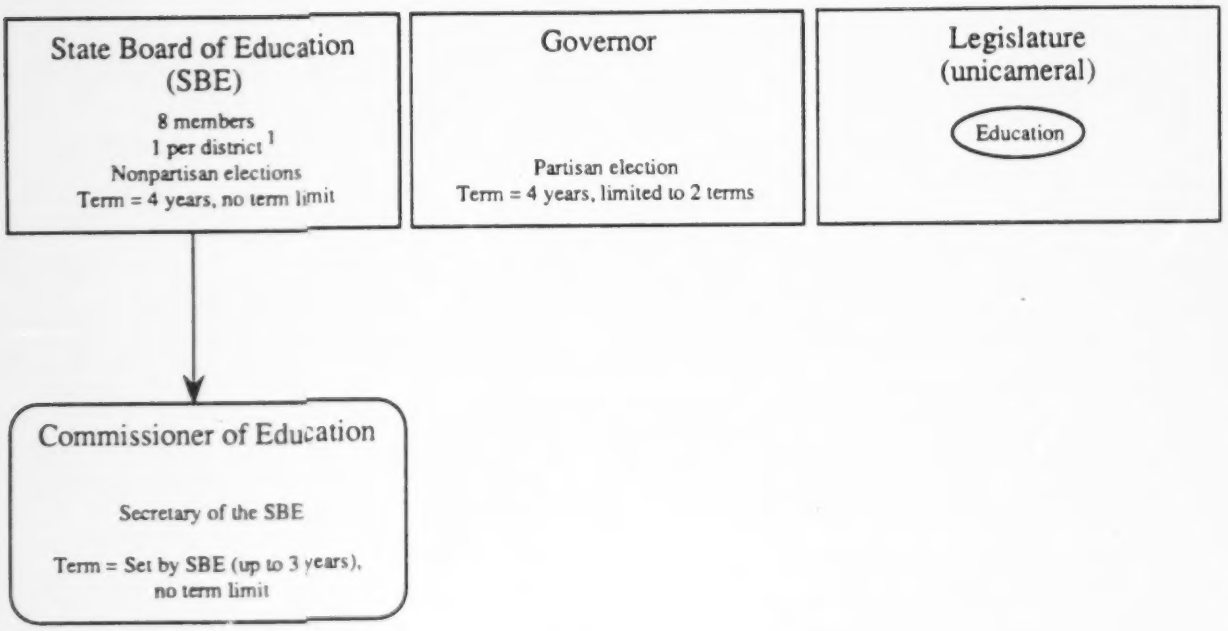

Superintendent of Public Instruction (SPI)
Ex officio nonvoting member and secretary of the SBE
Partisan election
Term = 4 years, no term limit
Governor
Ex officio member[1] and president of the SBE
Partisan election
Term = 4 years, no term limit
Legislature
E & C R[2]
Senate
E & C R[2]
House
Board of Public Education
7 members + 3 ex officio nonvoting members[3]
Up to 4 per congressional district
Up to 4 per party
Term = 7 years, no term limit
Board of Regents of Higher Education
6 members + 1 voting student member + 2 ex officio nonvoting members[4]
Up to 4 per congressional district
Up to 4 per party
Term = 7 years, no term limit
Student term = Set by gov. (1 - 4 years)
State Board of Education (SBE)
Also has jurisdiction over higher education
13 members + 1 voting student member + 3 ex officio members[5]

1. The governor casts a vote only in case of a tie.
2. Education and Cultural Resources Committee
3. The governor, the superintendent of public instruction, and the commissioner of higher education are ex officio members of the Board of Public Education.
4. The governor and the superintendent of public instruction are ex officio members of the Board of Regents of Higher Education.
5. The superintendent of public instruction and the commissioner of higher education are ex officio nonvoting members of the SBE. The governor is an ex officio member of the SBE who casts a vote only in case of a tie.

Nebraska
(Model 2)

For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --➤ = confirms

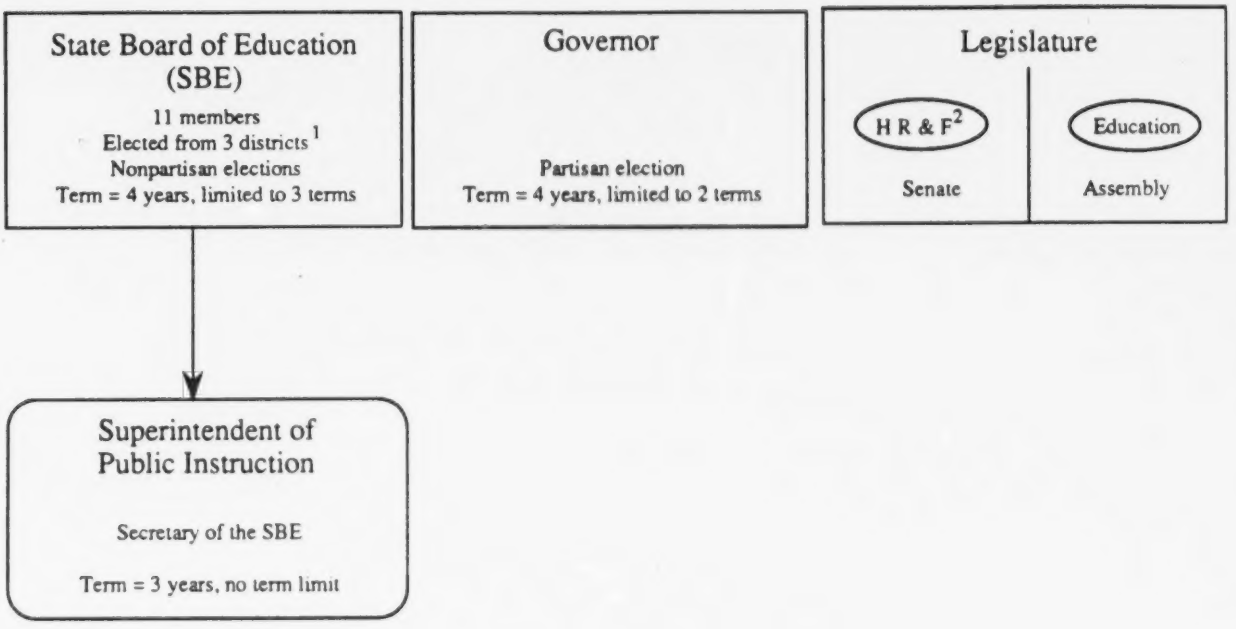

State Board of Education (SBE)
8 members
1 per district [1]
Nonpartisan elections
Term = 4 years, no term limit
Governor
Partisan election
Term = 4 years, limited to 2 terms
Legislature (unicameral)
Education
Commissioner of Education
Secretary of the SBE
Term = Set by SBE (up to 3 years), no term limit

1. Districts are comprised of substantially equal populations as provided by the legislature.

Nevada
(Model 2)

For an explanation of how to interpret this figure, see page 36.

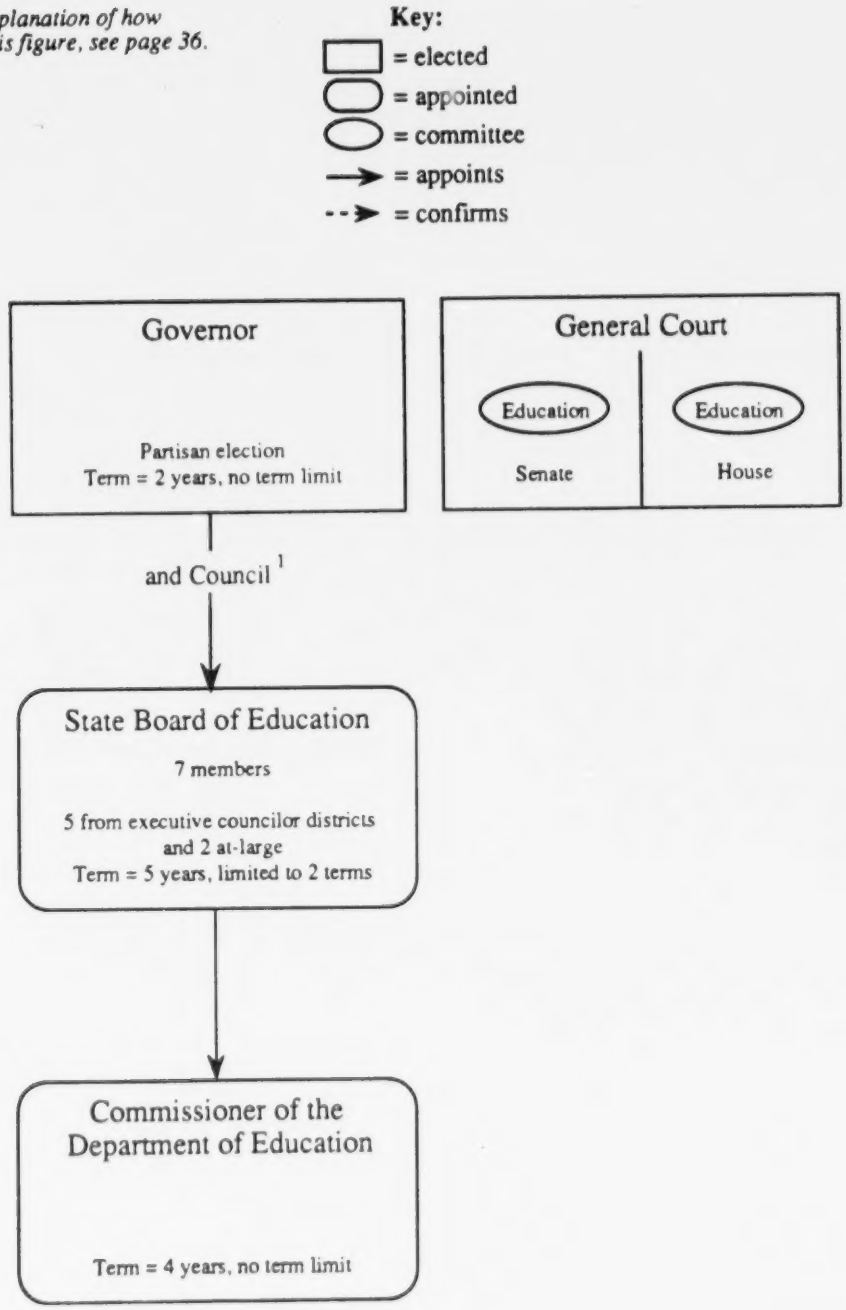
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms



1. Based on population, two members are elected from district one, seven members from district two, and two members from district three.
2. Human Resources and Facilities Committee

New Hampshire

For an explanation of how to interpret this figure, see page 36.

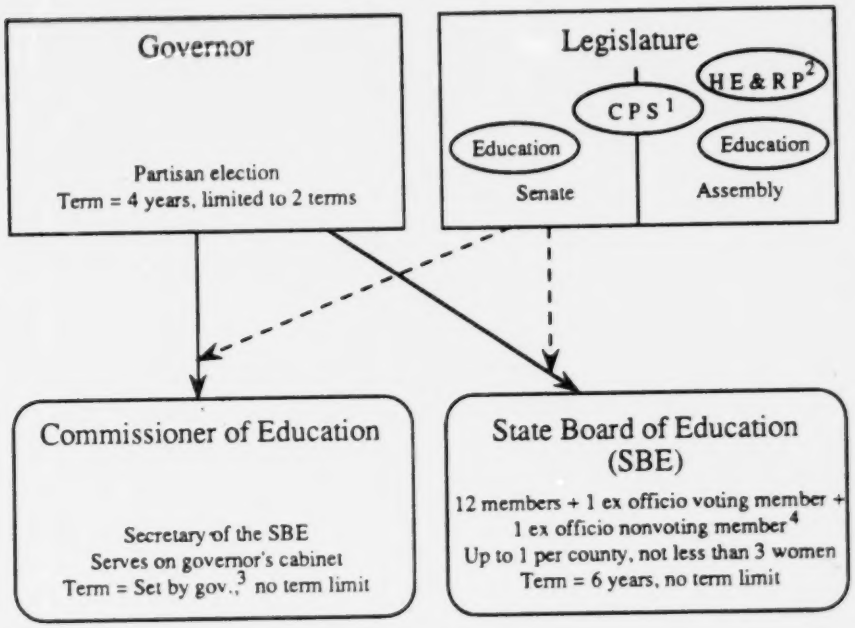


1. The Council is composed of five elected members whose purpose is to advise the governor.

New Jersey
(Model 4)

For an explanation of how to interpret this figure, see page 36.

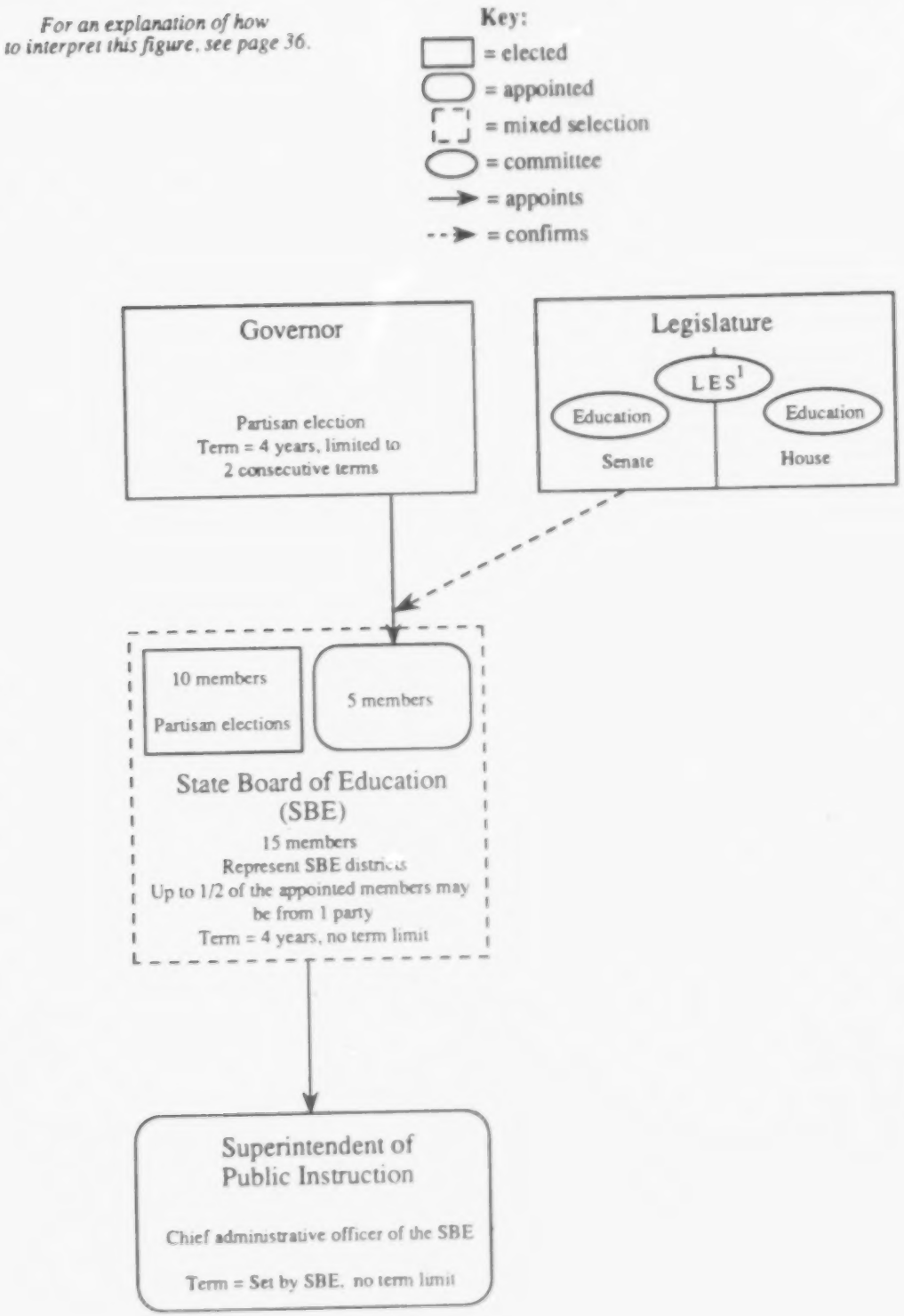
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms


Governor
Partisan election
Term = 4 years, limited to 2 terms
Legislature
HE&RP[2]
CPS[1]
Education
Education
Senate
Assembly
Commissioner of Education
Secretary of the SBE
Serves on governor's cabinet
Term = Set by gov.,[3] no term limit
State Board of Education (SBE)
12 members + 1 ex officio voting member + 1 ex officio nonvoting member[4]
Up to 1 per county, not less than 3 women
Term = 6 years, no term limit

1. Joint Committee on the Public Schools
2. Higher Education and Regulated Professions Committee
3. The commissioner's term is concurrent with the governor's term.
4. The chair of the Board of Higher Education (or a designee) is the ex officio voting member. The chancellor of higher education is the ex officio nonvoting member.

New Mexico

For an explanation of how to interpret this figure, see page 36.

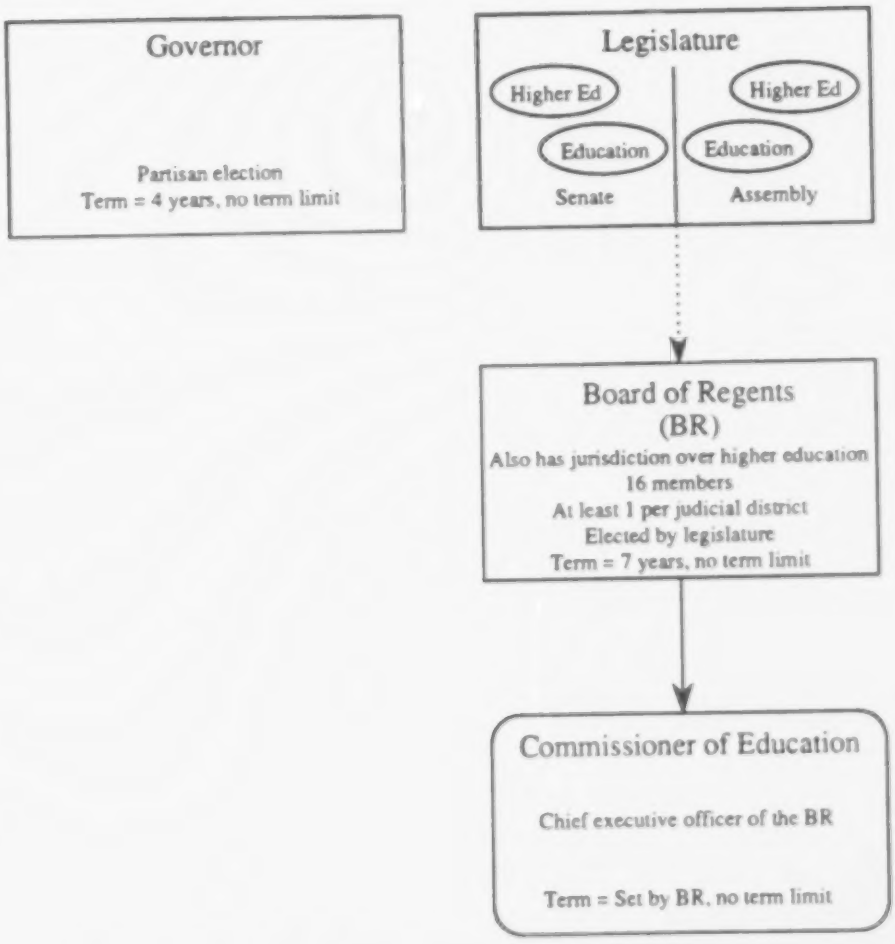


1. Joint Legislative Education Study Committee

New York

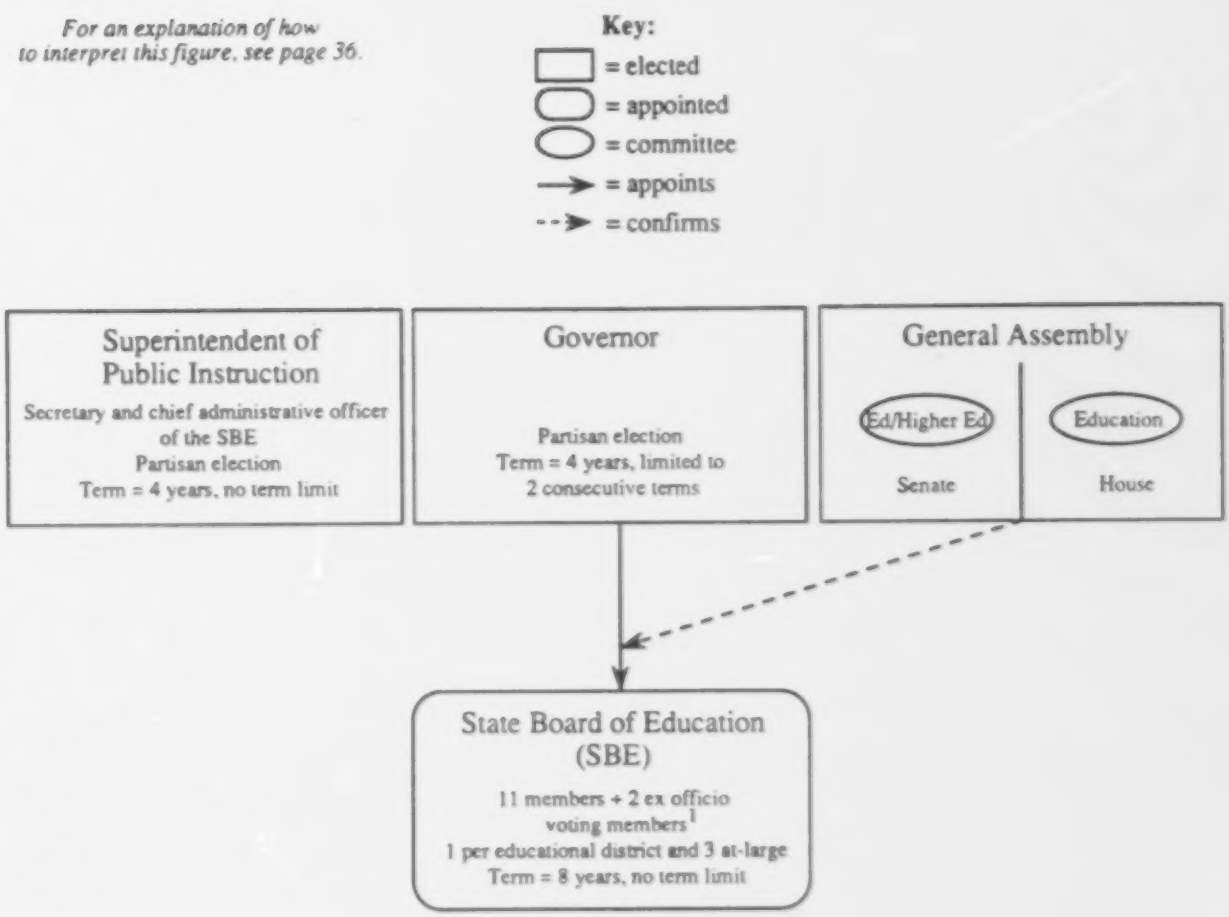
For an explanation of how to interpret this figure, see page 36.

Key:
= elected
= appointed
= committee
= appoints
= elects



North Carolina
(Model 3)

For an explanation of how to interpret this figure, see page 36.

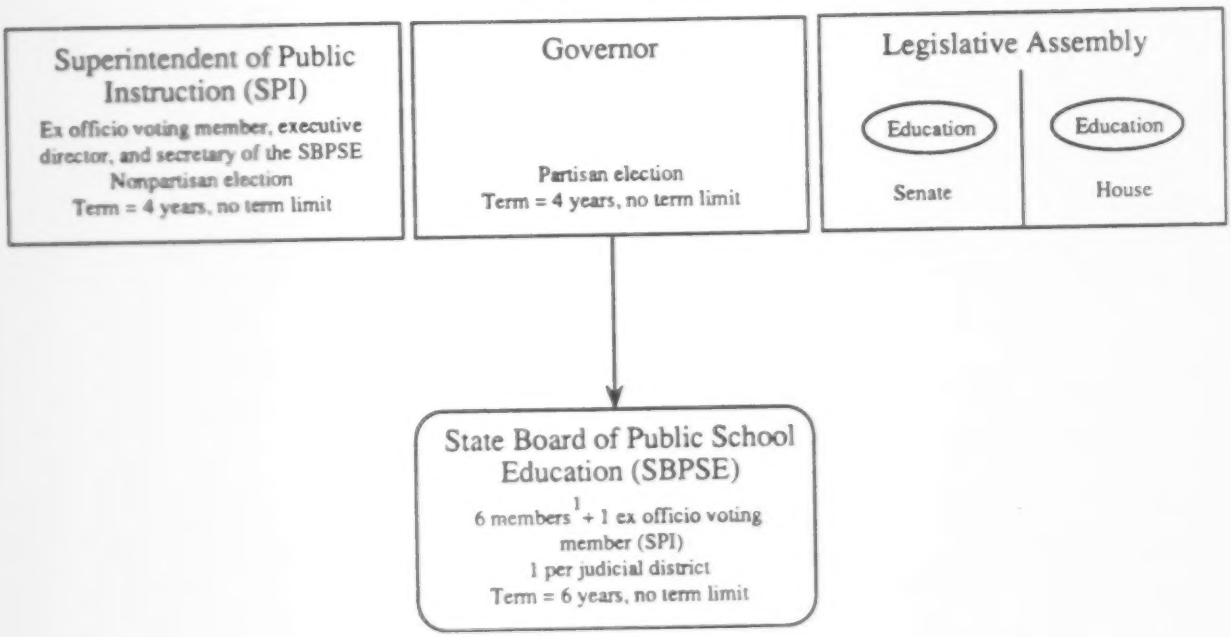


1. The lieutenant governor and the state treasurer are the ex officio members of the SBE.

North Dakota
(Model 3)

For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms

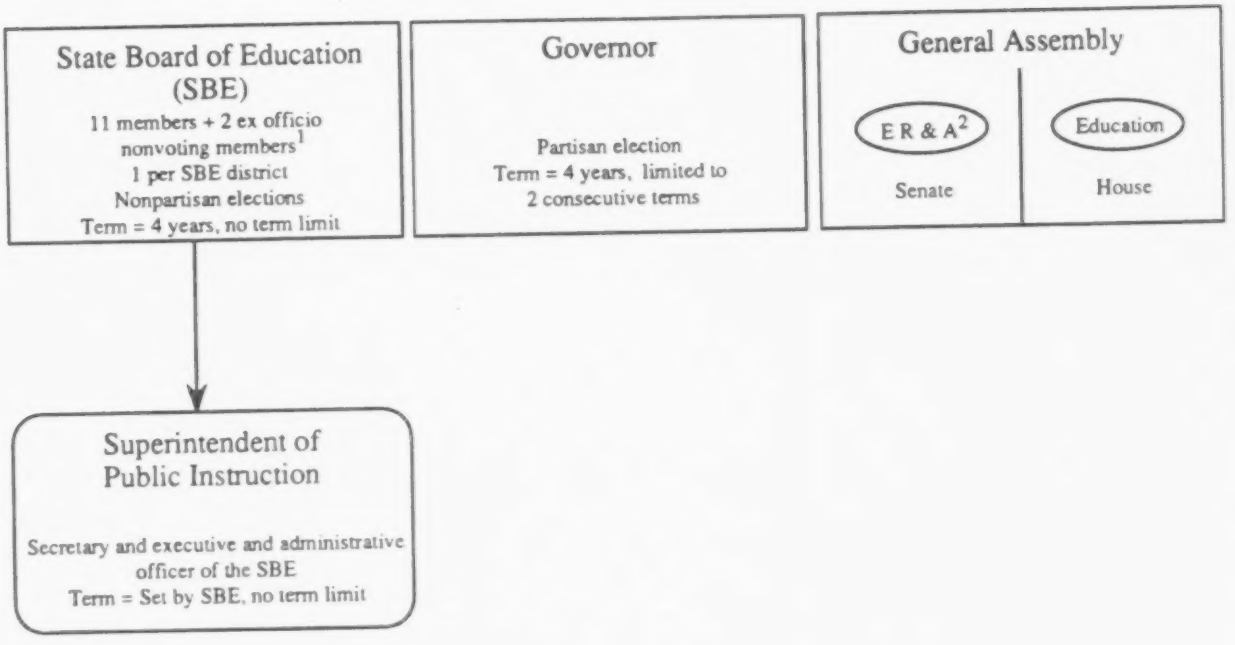

Superintendent of Public Instruction (SPI)
Ex officio voting member, executive director, and secretary of the SBPSE
Nonpartisan election
Term = 4 years, no term limit
Governor
Partisan election
Term = 4 years, no term limit
Legislative Assembly
Education
Senate
Education
House
State Board of Public School Education (SBPSE)
6 members[1] + 1 ex officio voting member (SPI)
1 per judicial district
Term = 6 years, no term limit

1. Nominations are made by the governor from a list of three names for each position to be filled on the SBPSE. The names are selected by a committee consisting of the presidents of the state's education association, the school administrators association, and the school boards association.

Ohio
(Model 2)

For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms

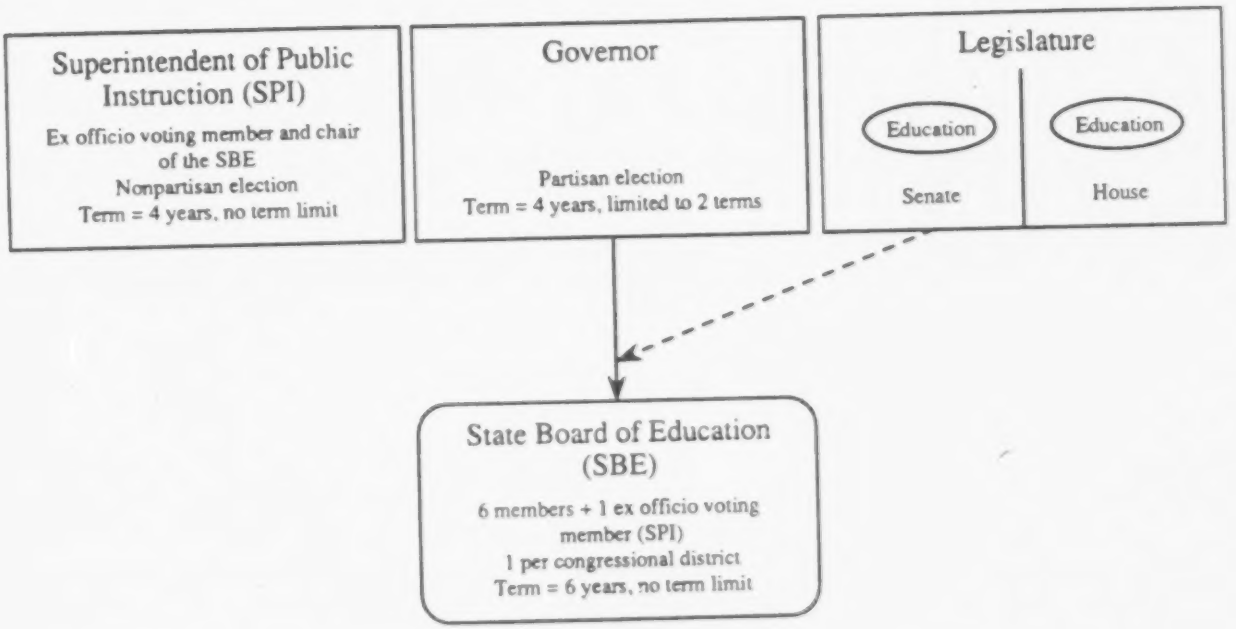

State Board of Education (SBE)
11 members + 2 ex officio nonvoting members[1]
1 per SBE district
Nonpartisan elections
Term = 4 years, no term limit
Governor
Partisan election
Term = 4 years, limited to 2 consecutive terms
General Assembly
E R & A[2]
Senate
Education
House
Superintendent of Public Instruction
Secretary and executive and administrative officer of the SBE
Term = Set by SBE, no term limit

1. The chairs of the senate and house committees that deal primarily with education are the ex officio members.
2. Education, Retirement, and Aging Committee

Oklahoma
(Model 3)

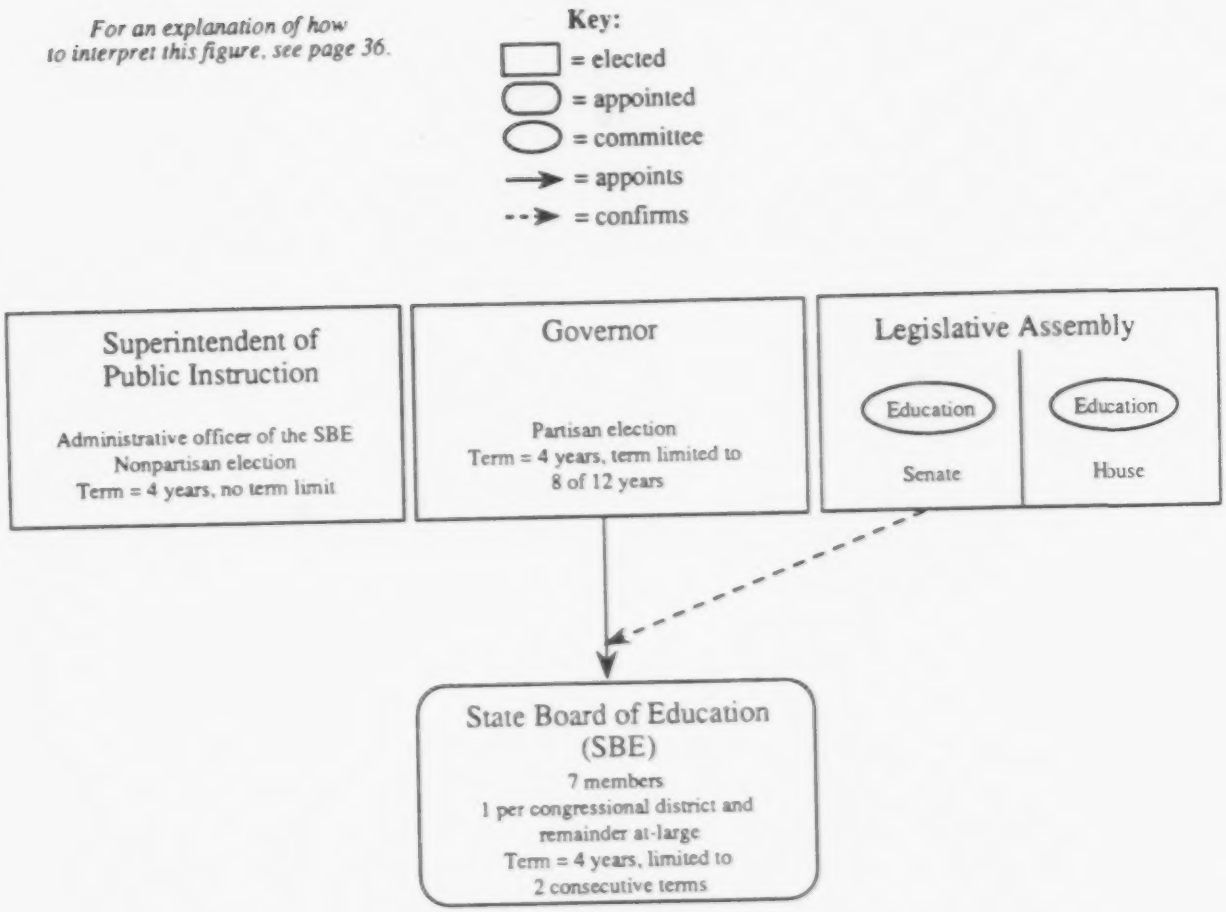
For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms


Superintendent of Public Instruction (SPI)
Ex officio voting member and chair of the SBE
Nonpartisan election
Term = 4 years, no term limit
Governor
Partisan election
Term = 4 years, limited to 2 terms
Legislature
Education
Senate
Education
House
State Board of Education (SBE)
6 members + 1 ex officio voting member (SPI)
1 per congressional district
Term = 6 years, no term limit

Oregon
(Model 3)

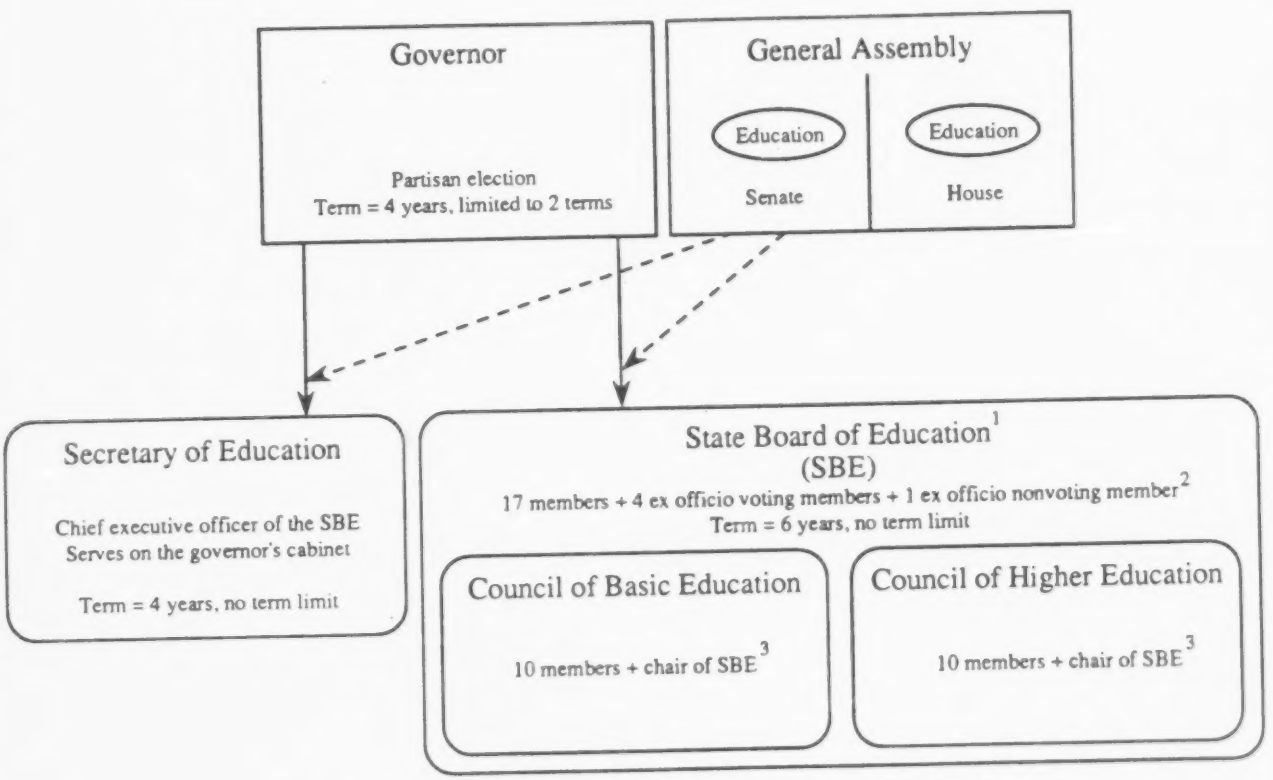
For an explanation of how to interpret this figure, see page 36.



Pennsylvania
(Model 4)

For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- ⇢ = confirms

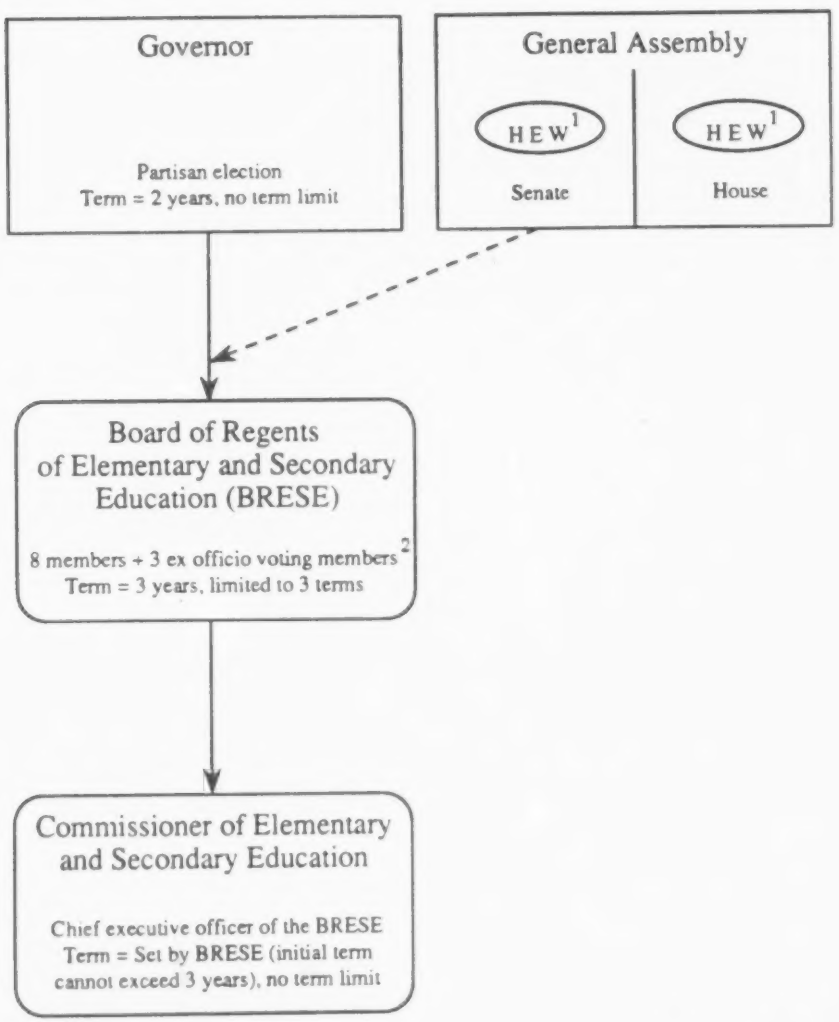

Governor
Partisan election
Term = 4 years, limited to 2 terms
General Assembly
Education
Senate
Education
House
Secretary of Education
Chief executive officer of the SBE
Serves on the governor's cabinet
Term = 4 years, no term limit
State Board of Education[1]
(SBE)
17 members + 4 ex officio voting members + 1 ex officio nonvoting member[2]
Term = 6 years, no term limit
Council of Basic Education
10 members + chair of SBE[3]
Council of Higher Education
10 members + chair of SBE[3]

1. The SBE has statutory authority for planning and coordination for Pennsylvania's postsecondary education sectors.
2. The chairs and the minority chairs of the Senate and House Education Committees are the ex officio voting members. The chair of the Professional Standards and Practices Commission, who does not serve on either council, is the ex officio nonvoting member.
3. The governor designates the chair of the SBE, who assigns SBE members to either council.

Rhode Island
(Model 1)

For an explanation of how to interpret this figure, see page 36.

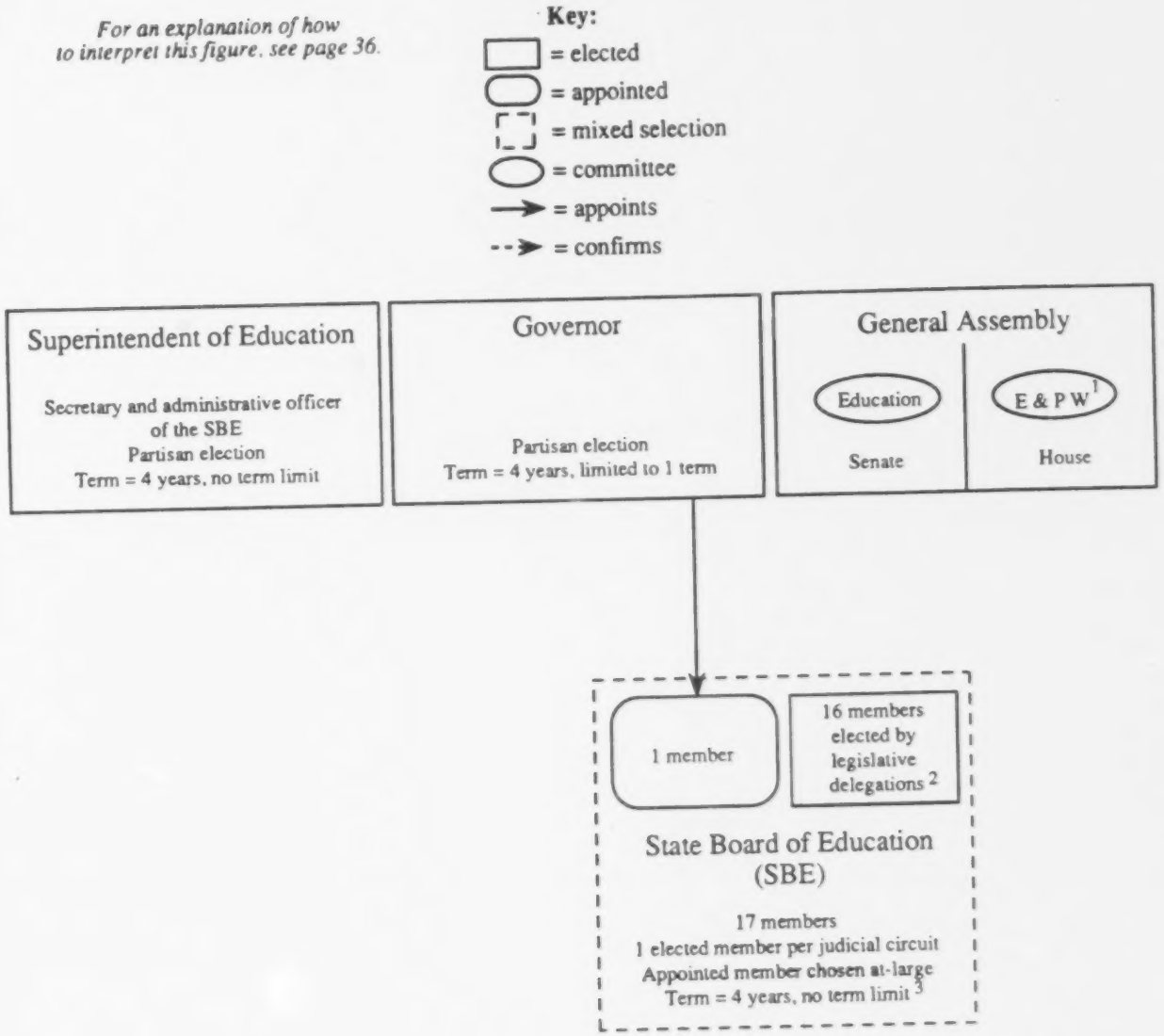
Key:
= elected
= appointed
= committee
= appoints
= confirms


Governor
Partisan election
Term = 2 years, no term limit
General Assembly
HEW[1]
Senate
HEW[1]
House
Board of Regents of Elementary and Secondary Education (BRESE)
8 members + 3 ex officio voting members[2]
Term = 3 years, limited to 3 terms
Commissioner of Elementary and Secondary Education
Chief executive officer of the BRESE
Term = Set by BRESE (initial term cannot exceed 3 years), no term limit

1. Health, Education, and Welfare Committee
2. The chairs of the Board of Governors for Higher Education, the Senate Finance Committee, and the House Finance Committee are ex officio members.

South Carolina

For an explanation of how to interpret this figure, see page 36.

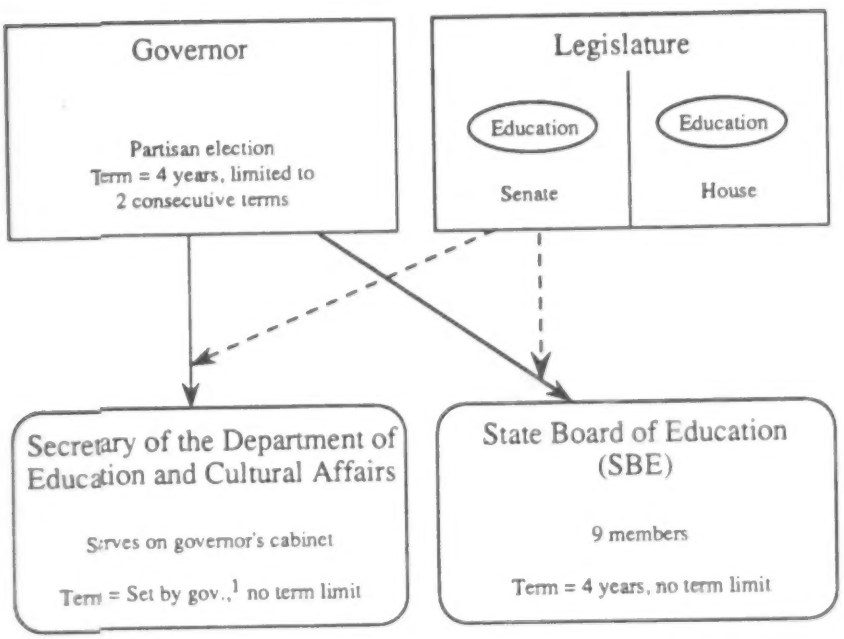


1. Education and Public Works Committee
2. Members are elected by legislative delegations of the counties within each judicial circuit.
3. An elected member may succeed himself/herself in office only if there is unanimous consent of all members of the county legislative delegations from the circuit.

South Dakota
(Model 4)

For an explanation of how to interpret this figure, see page 36.

Key:
= elected
= appointed
= committee
= appoints
= confirms

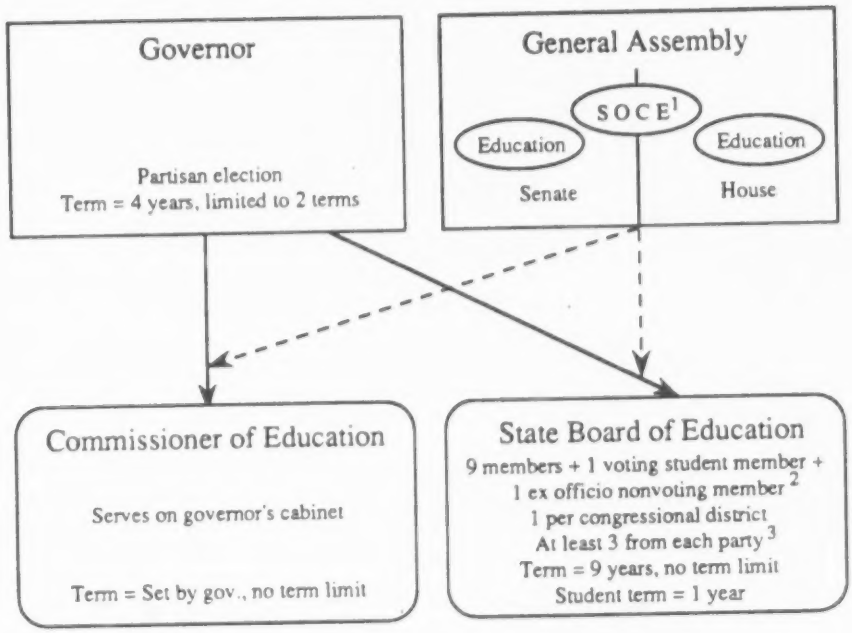


1. The secretary's term is concurrent with the governor's term.

Tennessee
(Model 4)

For an explanation of how to interpret this figure, see page 36.

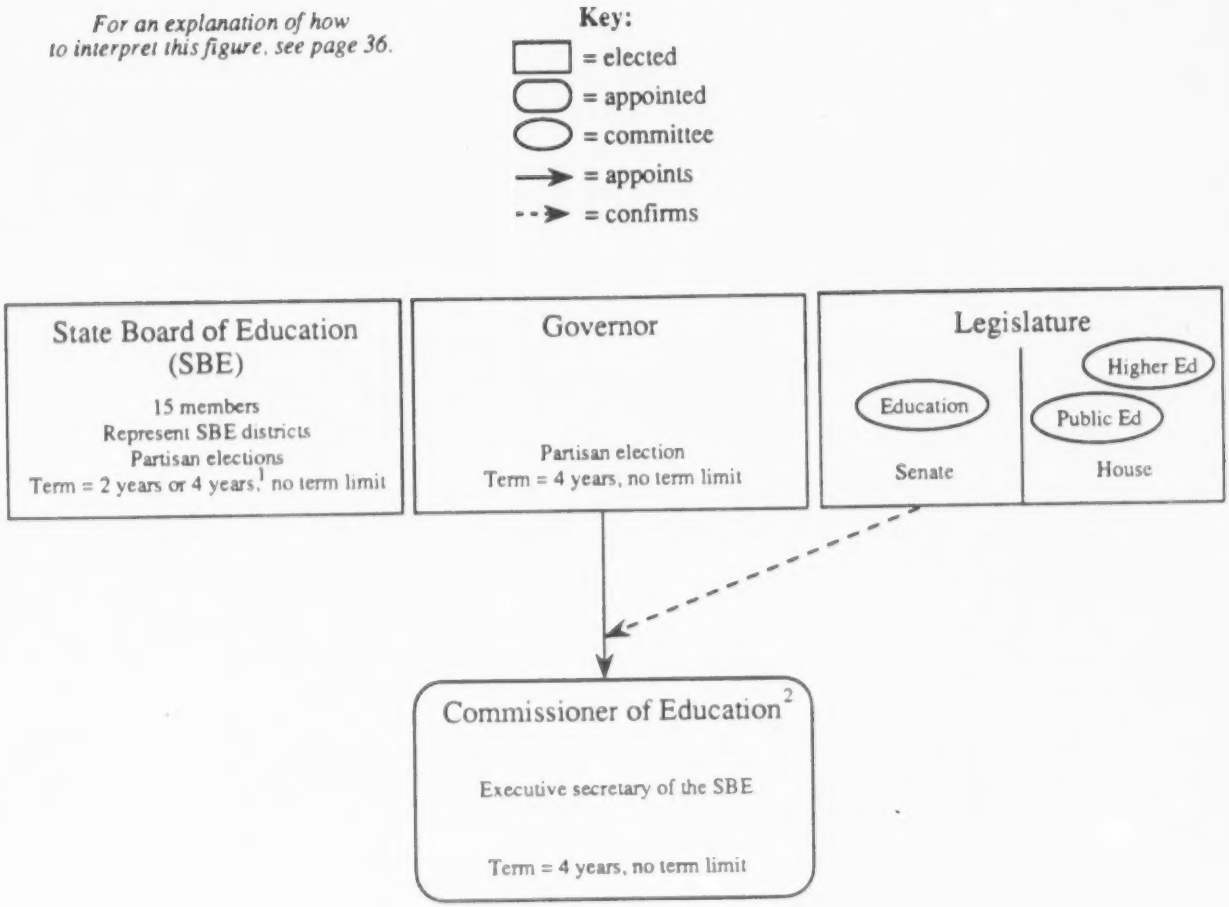
Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms



1. Joint Select Oversight Committee on Education
2. The executive director of the Higher Education Commission is the ex officio member.
3. At least one member must be of a minority race, and the governor shall strive to appoint one member who is 60 years or older.

Texas

For an explanation of how to interpret this figure, see page 36.

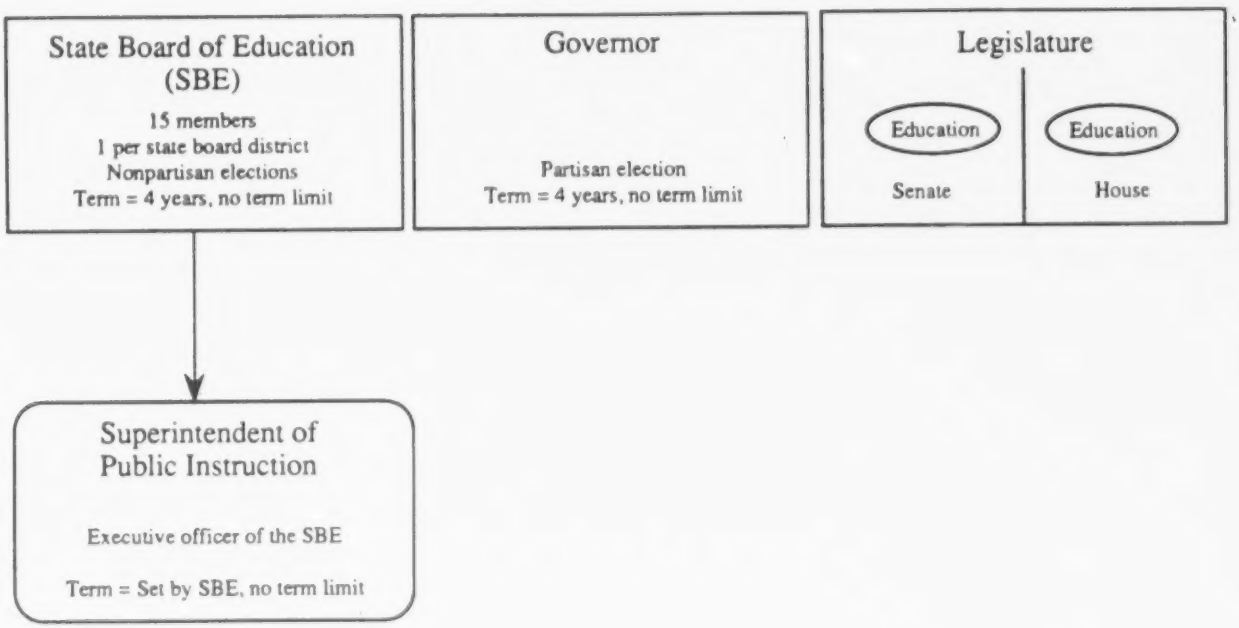


1. Members draw lots to determine the length of their terms. Seven members serve two-year terms, and eight members serve four-year terms.
2. The SBE recommends to the governor a person to be named commissioner of education.

Utah
(Model 2)

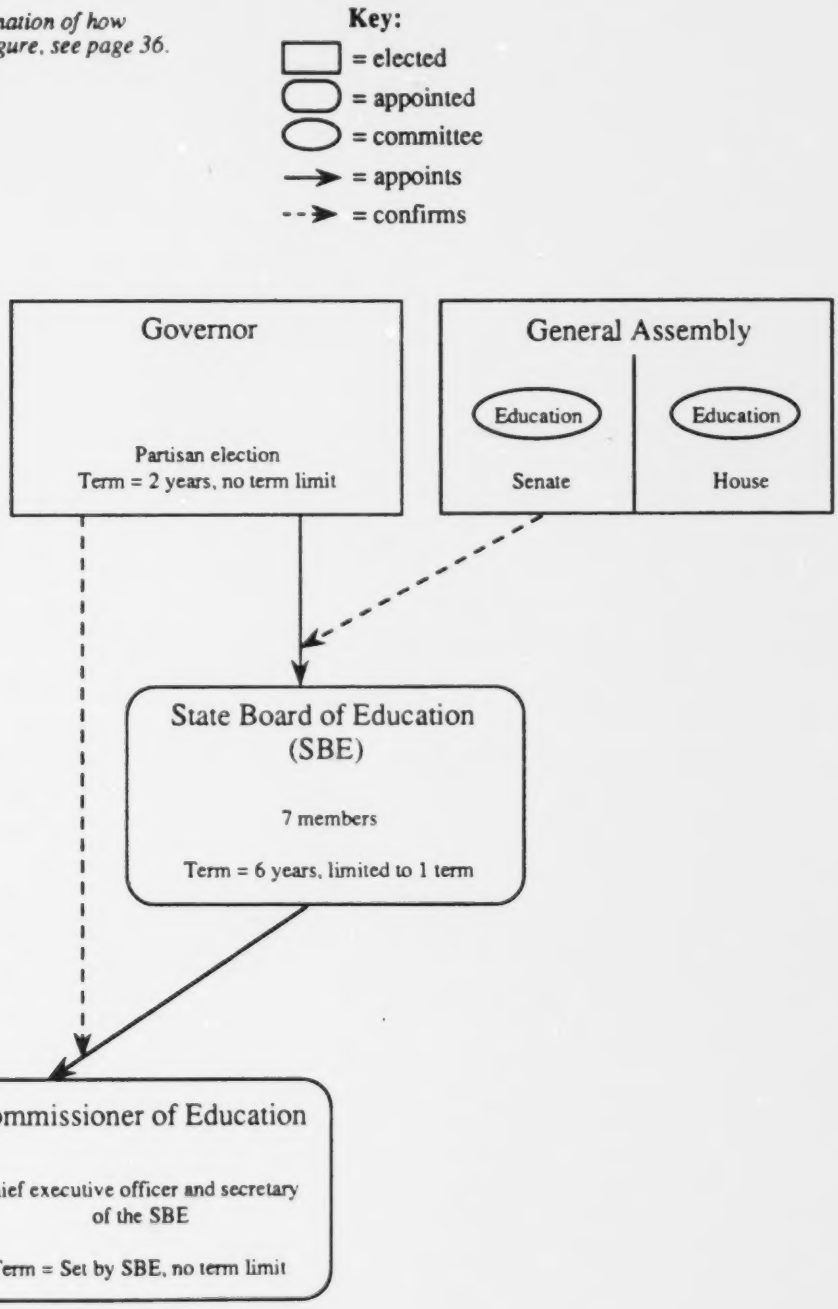
For an explanation of how to interpret this figure, see page 36.

Key:
- = elected
- = appointed
- = committee
- → = appoints
- --→ = confirms



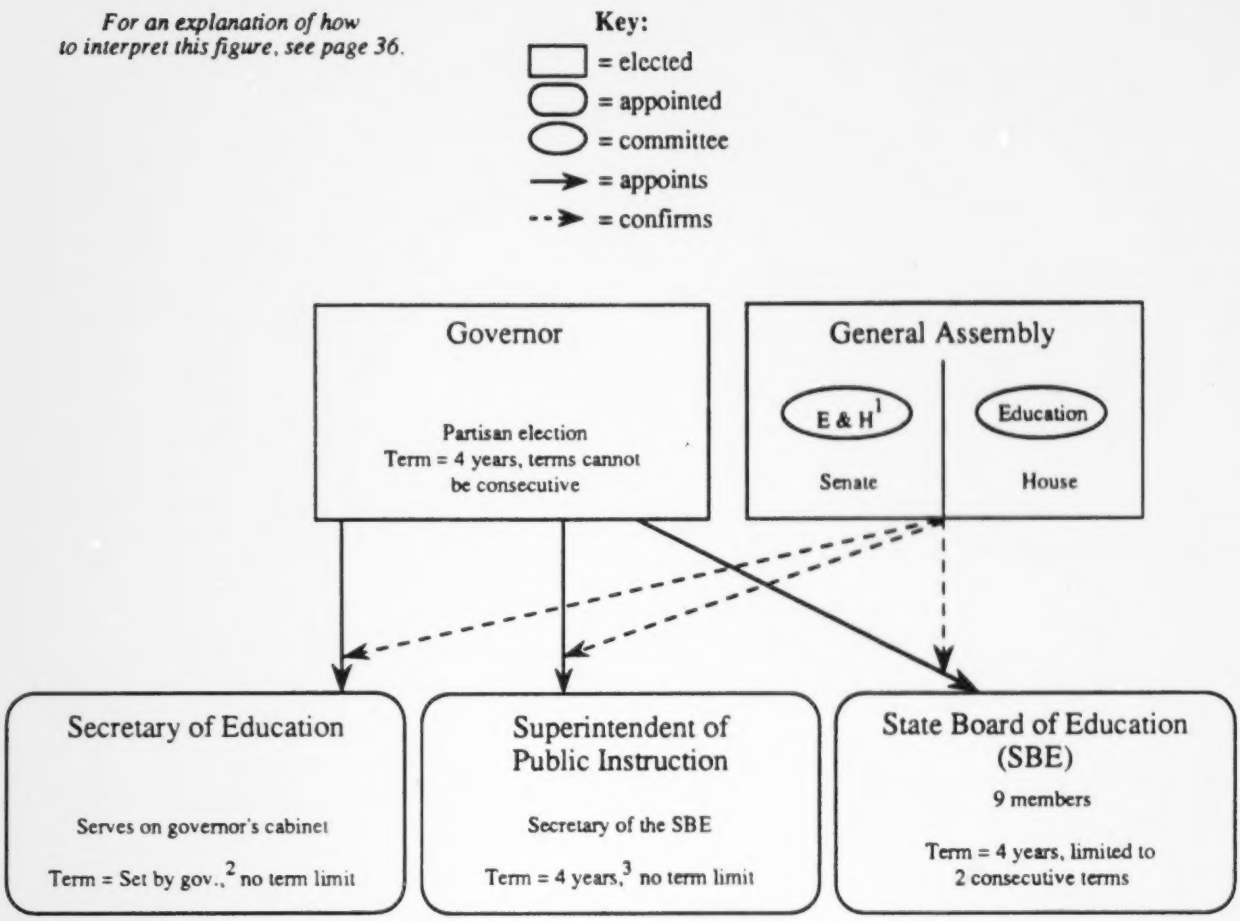
Vermont
(Model 1)

For an explanation of how to interpret this figure, see page 36.



Virginia

For an explanation of how to interpret this figure, see page 36.



1. Education and Health Committee
2. The secretary's term is concurrent with the governor's term.
3. The superintendent's term is concurrent with the governor's term.

Washington

For an explanation of how to interpret this figure, see page 36.

Key:

= elected
= appointed
= committee
→ = appoints
--→ = confirms

Superintendent of Public Instruction (SPI)

Ex officio member[1] and chief executive officer of the SBE
Nonpartisan election
Term = 4 years, no term limit

Governor

Partisan election
Term = 4 years, term limited to 8 out of 14 years

Legislature

Senate: Higher Ed; Education
House: Higher Ed; Education

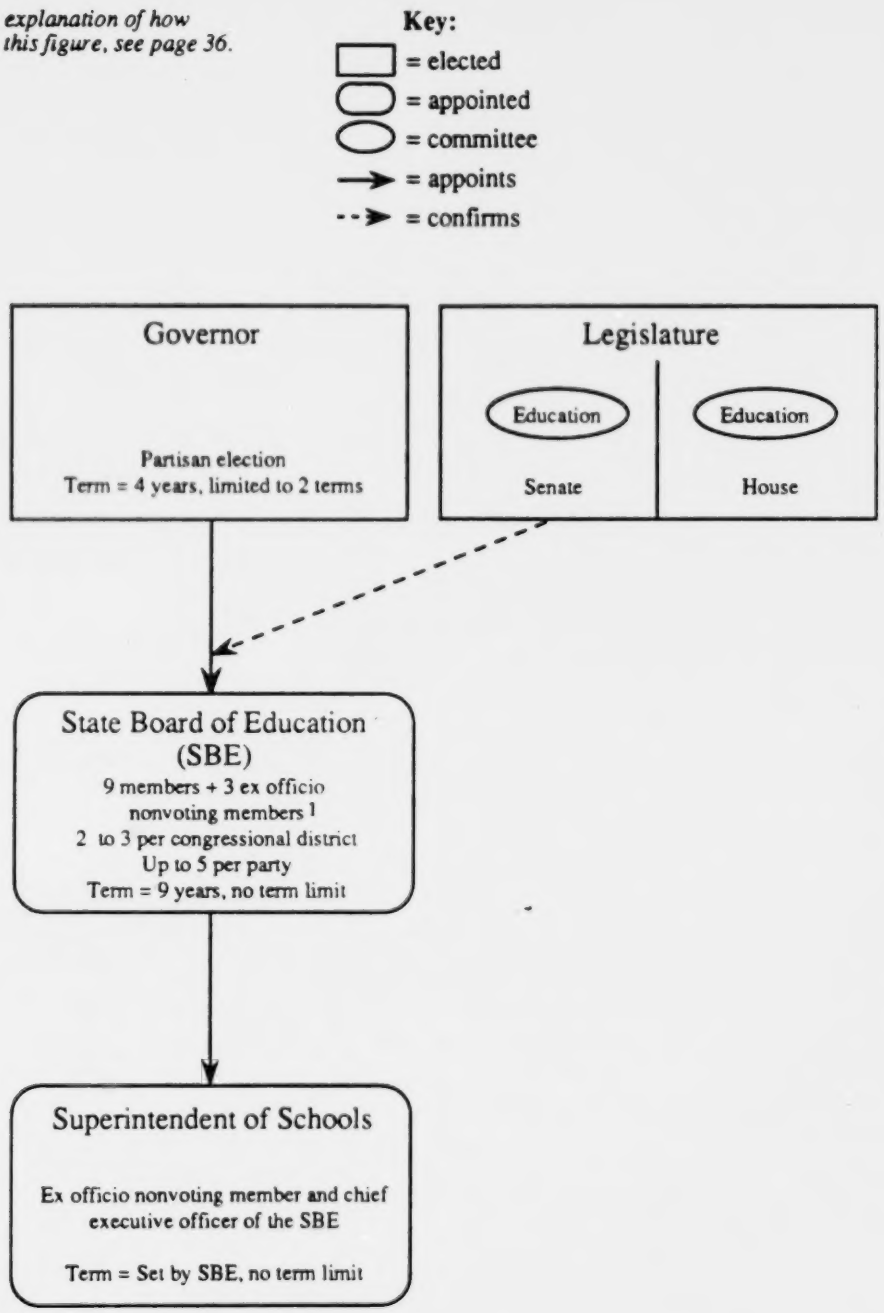
State Board of Education (SBE)

10 members + 1 ex officio member (SPI)[1]
1 per congressional district and 1 at-large[2]
Elected by local public school boards
Term = 4 years, no term limit

1. The superintendent of public instruction casts a vote only in case of a tie.
2. The boards of directors of all private schools that meet state requirements elect the at-large member. This member does not vote on matters affecting public schools.

West Virginia
(Model 1)

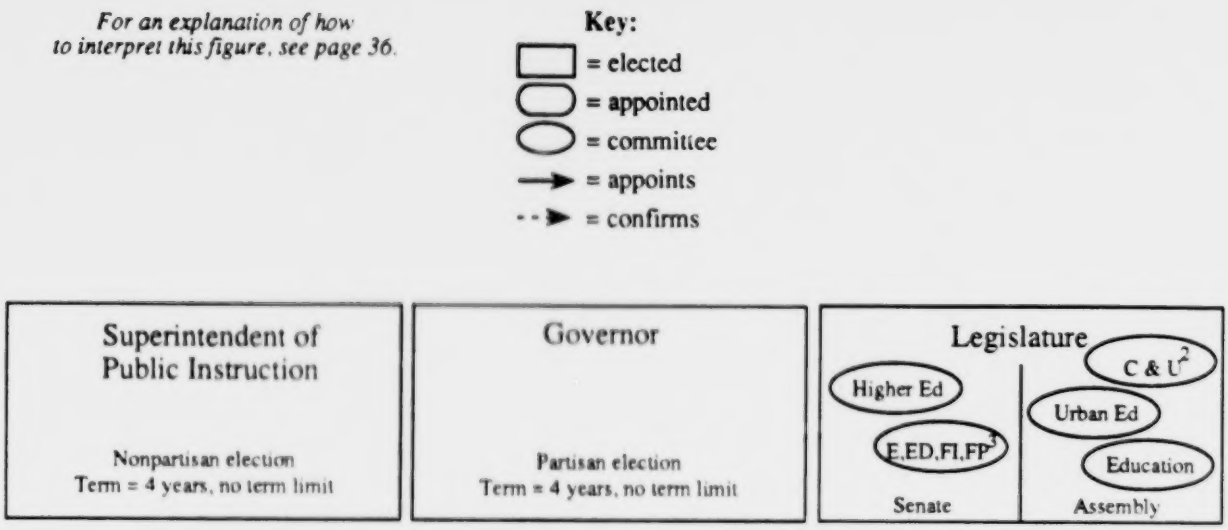
For an explanation of how to interpret this figure, see page 36.



1. The ex officio members are the superintendent of schools and the chancellor of the University of West Virginia Board of Trustees and the chancellor of the Board of Directors of the State College System.

Wisconsin[1]

For an explanation of how to interpret this figure, see page 36.

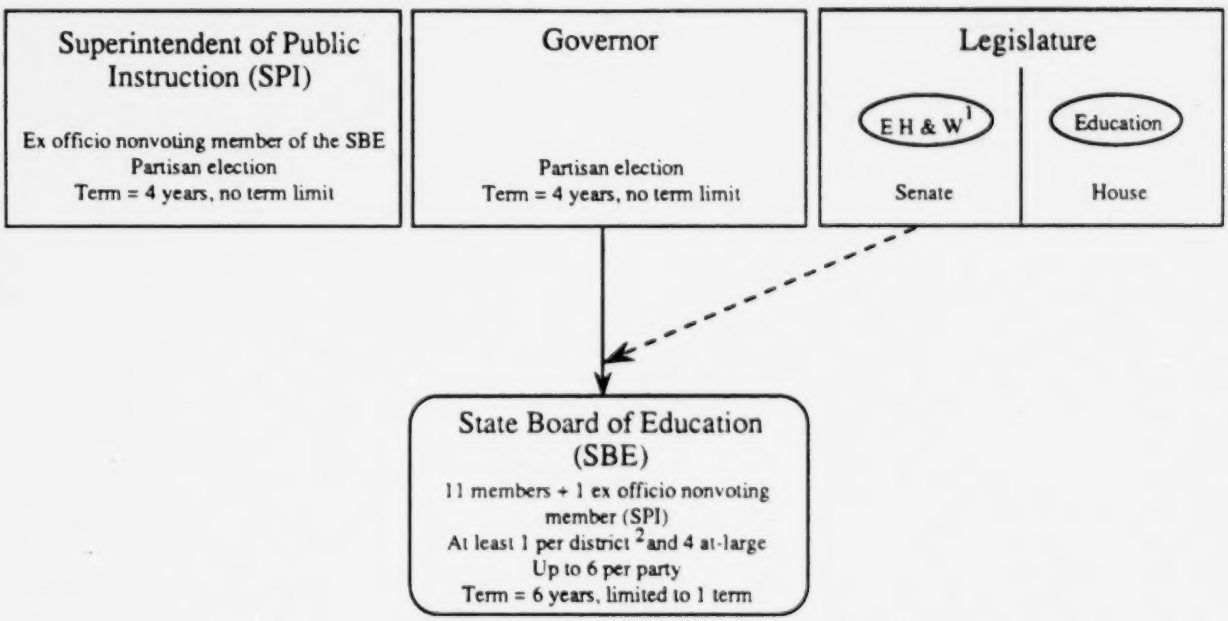


1. Wisconsin is the only state that does not have a state board of education.
2. Colleges and Universities Committee
3. Education, Economic Development, Financial Institutions, and Fiscal Policies Committee

Wyoming
(Model 3)

For an explanation of how to interpret this figure, see page 36.

Key:
= elected
= appointed
= committee
= appoints
= confirms


Superintendent of Public Instruction (SPI)
Ex officio nonvoting member of the SBE
Partisan election
Term = 4 years, no term limit
Governor
Partisan election
Term = 4 years, no term limit
Legislature
E H & W[1]
Education
Senate
House
State Board of Education (SBE)
11 members + 1 ex officio nonvoting member (SPI)
At least 1 per district[2] and 4 at-large
Up to 6 per party
Term = 6 years, limited to 1 term

1. Education, Health, and Welfare Committee
2. These districts are called "appointment districts" and are comprised of three or four counties.

References

Ala. Code § 16-4-1 (1975).

Appalachia Educational Laboratory. (1992). *Systemic reform--monitoring its progress.* Charleston, WV: Author.

Burnes, D. W., Palaich, R. M., McGuinness, A., & Flakus-Mosqueda, P. (1983). *State governance of education: 1983* (Report No. EG-83-1). Denver: Education Commission of the States.

Carnegie Forum on Education and the Economy. (1986). *A nation prepared: Teachers for the 21st century.* New York: Carnegie Corporation.

Campbell, R. F., & Mazzoni, T. L., Jr. (1976). *State policy making for the public schools.* Berkeley, CA: McCutchan.

Chubb, J. & Moe, T. (1990). *Politics, markets and America's schools.* Washington, DC: The Brookings Institution.

Cohen, D. K. (1990). *The classroom impact of state and federal education policy.* Unpublished manuscript. School of Education, Michigan State University.

Cohen, M. (1987). State boards in an era of reform. *Phi Delta Kappan, 69*(2), 60-64.

Council of State Governments. (1990). *The book of the states* (1990-91 ed.). Lexington, KY: Author.

Council of State Governments. (1991). *State legislative leadership, committees and staff* (1991-92 ed.). Lexington, KY: Author.

Cunningham, L. L., & Carol, L. N. (1992). *The governance of education and human services in Ohio.* Gahanna, OH: Leadership Development Associates.

Danzberger, J. P., Kirst, M. W., & Usdan., M. D. (1992). *Governing public schools: New times new requirements.* Washington, DC: Institute for Educational Leadership.

Directory of chief state school officers. (1991, March 20). *Education Week*, p. 22.

Doyle, D. P., Cooper, B. S., & Trachtman, R. (1991). *Taking charge: State action on school reform in the 1980s.* Indianapolis: Hudson Institute.

Fuhrman, S. H. & Massell, D. (1992). *Issues and strategies in systemic reform.* New Brunswick, NJ: Rutgers University, Center for Policy Research in Education.

Ga. Code Ann. § 20-2-4 (Michie 1992).

Harp, L. (1992, January 29). 'Powerless' state superintendent battling for the trappings of his constitutional post. *Education Week*, pp. 20-21.

Harris, S. P. (1973). *State departments of education, state boards of education and chief state school officers* (DHEW Publication No. 73-07400). Washington, DC: Office of Education.

Harris, S. P. (1983). *Educational governance in the states: A status report on state boards of education, chief state school officers and state education agencies.* Washington, DC: U.S. Department of Education.

Ky. Rev. Stat. Ann. § 156.040, 160.180 (Michie/Bobbs-Merrill 1992).

Malen, B., Ogawa, R. T., & Kranz, J. (1990). Unfulfilled promises. *School Administrator, 47*(2), 30, 32, 53-56, 59.

McCarthy, M., & Cambron-McCabe, N. (1992). *Public school law: Teachers' and students' rights.* Boston: Allyn and Bacon.

McGuinness, A. C., Jr., & Paulson, C. (1991). *State postsecondary education structures handbook.* Denver: Education Commission of the States.

National Association of State Boards of Education. (1990). *Overview of state education governance structures* (occasional paper). Alexandria, VA: Author.

Neb. Rev. Stat. § 79-331 (1987).

New Mexico Children, Youth and Families Department. (1992). *Initiatives, achievements and statistics.* Albuquerque, NM: Author.

Pearson, J. B., & Fuller, E. (Eds.). (1969). *Education in the states: Historical development and outlook.* Washington, DC: National Education Association.

Plan for a smaller school board advances in Ohio. (1992, May 13). *Education Week*, p. 18.

Rosenthal, A. (1990). *Governors and legislatures: Contending powers.* Washington, DC: Congressional Quarterly Press.

Sanchez, K. L., & Hall, G. C. (1987). *Models for selecting chief state school officers* (Policy Report No. PR-B4). Bloomington, IN: Indiana University, Indiana Education Policy Center.

Smith, M. S., & O'Day, J. (1991). Systemic school reform. In S. H. Fuhrman & B. Malen, (Eds.), *The politics of curriculum and testing* (pp. 233-267). London: Falmer.

Tex. Educ. Code Ann. art. 11.22 (e) (West 1991).

Twentieth Century Fund & Danforth Foundation. (1992). *Facing the challenge*. New York: Twentieth Century Fund Press.

Walsh, M. (April 7, 1993). Signing up the public. *Education Week*, pp. 9-14.

Will, R. F. (1964). *State education structure and organization* (OE-23038). Washington, DC: U.S. Department of Health, Education and Welfare, Office of Education.

APPENDIX A

SBEs: NUMBER OF VOTING MEMBERS, TERMS OF OFFICE, TERM LIMITS

State Boards of Education: Number of Voting Members

No State Board--1 state--*Wisconsin*

7 Members--9 states
Alaska, Colorado, Delaware, Florida, New Hampshire, North Dakota, Oklahoma, Oregon and Vermont

8 Members--4 states
Idaho, Michigan, Missouri and Nebraska

9 Members--11 states
Alabama, Arizona, Arkansas, Connecticut, Iowa, Maine, Minnesota, Mississippi, South Dakota, Virginia and West Virginia

10 Members--3 states--*Kansas, Tennessee and Washington*

11 Members--10 states
California, Georgia, Indiana, Kentucky, Louisiana, Maryland, Nevada, Ohio, Rhode Island and Wyoming

13 Members--3 states--*Hawaii, New Jersey and North Carolina*

14 Members--1 state--*Montana*

15 Members--4 states--*Massachusetts, New Mexico, Texas, and Utah*

16 Members--1 state--*New York*

17 Members--2 states--*Illinois and South Carolina*

21 Members--1 state--*Pennsylvania*

State Boards of Education: Terms of Office

2 or 4 Years--1 state--*Texas* (Members draw lots to determine their terms of office. Seven members serve 2-year terms, and 8 serve 4-year terms.)

3 Years--1 state--*Rhode Island*

4 Years--22 states
Alabama, Arizona, California, Connecticut, Florida, Hawaii, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Nebraska, Nevada, New Mexico, Ohio, Oregon, South Carolina, South Dakota, Utah, Virginia and Washington

5 Years--5 states--*Alaska, Idaho, Maine, Massachusetts and New Hampshire*

6 Years--10 states
Colorado, Delaware, Illinois, Iowa, New Jersey, North Dakota, Oklahoma, Pennsylvania, Vermont and Wyoming

7 Years--3 states--*Georgia, Montana and New York*

8 Years--3 states--*Michigan, Missouri and North Carolina*

9 Years--4 states--*Arkansas, Mississippi, Tennessee and West Virginia*

State Boards of Education: Term Limits

1 Term--2 states--*Vermont and Wyoming*

2 Terms--6 states--*Illinois, Maryland, Massachusetts, New Hampshire, Oregon and Virginia*

3 Terms--2 states--*Nevada and Rhode Island*

No Term Limit--39 states
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington and West Virginia

APPENDIX B

CSSOs: TITLES, ROLES ON SBEs, TERMS OF OFFICE

Chief State School Officers' Titles by State

Alabama	Superintendent of Education
Alaska	Commissioner of Education
Arizona	Superintendent of Public Instruction
Arkansas	Director of General Education
California	Superintendent of Public Instruction
Colorado	Commissioner of Education
Connecticut	Commissioner of Education
Delaware	Superintendent of Public Instruction
Florida	Commissioner of Education
Georgia	School Superintendent
Hawaii	Superintendent of Education
Idaho	Superintendent of Public Instruction
Illinois	Superintendent of Education
Indiana	Superintendent of Public Instruction
Iowa	Director of the Department of Education
Kansas	Commissioner of Education
Kentucky	Commissioner of Education
Louisiana	Superintendent of Education
Maine	Commissioner of Education
Maryland	Superintendent of Schools
Massachusetts	Commissioner of Education
Michigan	Superintendent of Public Instruction
Minnesota	Commissioner of Education
Mississippi	Superintendent of Public Education
Missouri	Commissioner of Education
Montana	Superintendent of Public Instruction
Nebraska	Commissioner of Education
Nevada	Superintendent of Public Instruction
New Hampshire	Commissioner of the Department of Education
New Jersey	Commissioner of Education
New Mexico	Superintendent of Public Instruction
New York	Commissioner of Education
North Carolina	Superintendent of Public Instruction
North Dakota	Superintendent of Public Instruction
Ohio	Superintendent of Public Instruction
Oklahoma	Superintendent of Public Instruction
Oregon	Superintendent of Public Instruction
Pennsylvania	Secretary of Education
Rhode Island	Commissioner of Elementary and Secondary Education
South Carolina	Superintendent of Education
South Dakota	Secretary of the Department of Education and Cultural Affairs
Tennessee	Commissioner of Education
Texas	Commissioner of Education
Utah	Superintendent of Public Instruction
Vermont	Commissioner of Education
Virginia	Superintendent of Public Instruction
Washington	Superintendent of Public Instruction
West Virginia	Superintendent of Schools
Wisconsin	Superintendent of Public Instruction
Wyoming	Superintendent of Public Instruction

Official Roles of Chief State School Officers on State Boards of Education

Alabama	secretary and executive officer
Alaska	executive officer
Arizona	secretary and executive officer
Arkansas	agent
California	secretary and executive officer
Colorado	secretary
Connecticut	secretary
Delaware	executive secretary
Florida	secretary and executive officer
Georgia	executive officer
Hawaii	secretary
Idaho	executive secretary
Illinois	executive officer
Indiana	chairman
Iowa	executive officer
Kansas	executive officer
Kentucky	executive secretary, executive and administrative officer
Louisiana	ex officio secretary
Maine	none
Maryland	chief executive, secretary and treasurer
Massachusetts	secretary and chief executive officer
Michigan	chairman
Minnesota	secretary
Mississippi	secretary
Missouri	chief administrative officer
Montana	secretary
Nebraska	secretary
Nevada	secretary
New Hampshire	none
New Jersey	secretary
New Mexico	chief administrative officer
New York	chief executive officer
North Carolina	secretary and chief administrative officer
North Dakota	executive director and secretary
Ohio	secretary, executive and administrative officer
Oklahoma	chairperson
Oregon	administrative officer
Pennsylvania	chief executive officer
Rhode Island	chief executive officer
South Carolina	secretary and administrative officer
South Dakota	none
Tennessee	none
Texas	executive secretary
Utah	executive officer
Vermont	chief executive officer and secretary
Virginia	secretary
Washington	chief executive officer
West Virginia	chief executive officer
Wisconsin	no SBE
Wyoming	none

Chief State School Officers: Terms of Office

Set by State Board of Education--19 states
Alabama (not to exceed 4 years), Colorado, Delaware (not less than 1 nor more than 5 years), Hawaii, Illinois (up to 3 years), Kansas, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska (up to 3 years), New Mexico, New York, Ohio, Rhode Island (up to 3-year initial appointment), Utah, Vermont and West Virginia

Set by Governor--6 states--*Arkansas, Iowa, Maine, New Jersey, South Dakota and Tennessee*

3 Years--1 state--*Nevada*

4 Years--22 states
Arizona, California, Connecticut, Florida, Georgia, Idaho, Indiana, Maryland, Minnesota, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, Wisconsin and Wyoming

5 Years--1 state--*Alaska (not to exceed 5 years)*

Set By Contract--1 state--*Louisiana*

APPENDIX C

CONSTITUTIONAL AND STATUTORY PROVISIONS

Constitutional and Statutory Provisions

Alabama

Ala. Const. art. XIV, § 262--Superintendent of Education; Ala. Const. art. V, § 132, amended by Ala. Const. amend. 284--State Board of Education and Superintendent of Education

Ala. Code § 16-3 (Supp. 1992)--State Board of Education

Ala. Code § 16-4 (1975)--Superintendent of Education

Alaska

Alaska Stat. §§ 14.07.075 to 14.07.181 (1992)--State Board of Education and Commissioner of Education

Arizona

Ariz. Const. art. XI, § 3--State Board of Education; Ariz. Const. art. XI, § 4--Superintendent of Public Instruction

Ariz. Rev. Stat. Ann. §§ 15-201 to 15-214 (Supp. 1992)--State Board of Education

Ariz. Rev. Stat. Ann. §§ 15-251 to 15-255 (Supp. 1992)--Superintendent of Public Instruction

Arkansas

Ark. Code Ann. §§ 6-11-101 to 6-11-123 (Michie 1987 & Supp. 1991)--Directors of General and Vocational and Technical Education and State Board of Education

California

Cal. Const. art. IX, § 2--Superintendent of Public Instruction; Cal. Const. art. IX, § 7--State Board of Education

Cal. Educ. Code §§ 33000 to 33053 (West 1993)--State Board of Education

Cal. Educ. Code §§ 33100 to 33191 (West 1993)--Superintendent of Public Instruction

Colorado

Colo. Const. art. IX, § 1--State Board of Education

Colo. Rev. Stat. Ann. § 22-2 (West Supp. 1992)--Commissioner of Education and State Board of Education

Connecticut

Conn. Gen. Stat. Ann. §§ 10-1 to 10-14 (West Supp. 1993)--State Board of Education and Commissioner of Education

Delaware

Del. Code Ann. tit. 14, §§ 101 to 131 (1974 & Supp. 1992)--State Board of Education and Superintendent of Public Instruction

Florida

Fla. Const. art. VII, § 2--State Board of Education

Fla. Stat. Ann. §§ 229.011 to 229.181 (West 1989 & Supp. 1993)--State Board of Education

Fla. Stat. Ann. §§ 229.501 to 229.6056 (West 1989 & Supp. 1993)--Commissioner of Education

Georgia

Ga. Const. art. VIII, § 2--State Board of Education; Ga. Const. art. VIII, § 3--School Superintendent

Ga. Code Ann. §§ 20-2-1 to 20-2-19 (Michie 1992)--State Board of Education

Ga. Code Ann. §§ 20-2-30 to 20-2-38 (Michie 1992)--School Superintendent

Hawaii

Haw. Const. art. X, §§ 2 and 3--State Board of Education and Superintendent of Education

Haw. Rev. Stat. § 296-2 (1985)--State Board of Education

Haw. Rev. Stat. § 296-19 (1985)--Superintendent of Education

Idaho

Idaho Const. art. IX, § 2--State Board of Education and Superintendent of Public Instruction

Idaho Code §§ 33-101 to 33-129 (Supp. 1992)--State Board of Education

Idaho Code §§ 67-1501 to 67-1509 (1949)--Superintendent of Public Instruction

Illinois

Ill. Const. art. X, § 2--State Board of Education

Ill. Ann. Stat. ch. 105, para. 5/1A-1 to 5/1A-8 (Smith-Hurd 1993)--State Board of Education and Superintendent of Education

Ill. Ann. Stat. ch. 105, para. 5/2 (Smith-Hurd 1993)--State Board of Education

Indiana

Ind. Const. art. VIII, § 8--Superintendent of Public Instruction

Ind. Code Ann. §§ 20-1-1-1 to 20-1-1-7 (Burns 1985 & Supp. 1992)--State Board of Education

Ind. Code Ann. § 20-1-11.5-1 to 20-1-11.5-2 (Burns 1985)--Superintendent of Public Instruction

Iowa

Iowa Code Ann. §§ 256.3 to 256.7 (West 1988)--State Board of Education

Iowa Code Ann. §§ 256.8 to 256.9 (West 1988)--Director of the Department of Education

Kansas

Kan. Const. art. VI, § 2 & 3 State Board of Education; Kan. Const. art. VI, § 4--Commissioner of Education

Kan. Stat. Ann. §§ 25-1901 to 25-1911, 72-7511 to 72-7528 (1992)--State Board of Education

Kan. Stat. Ann. §§ 72-7601 to 72-7603 (1992)--Commissioner of Education

Kentucky

Ky. Rev. Stat. Ann. §§ 156.029 to 156.111 (Michie/Bobbs-Merrill Supp. 1993)--State Board for Elementary and Secondary Education

Ky. Rev. Stat. Ann. §§ 156.147 to 156.250 (Michie/Bobbs-Merrill 1992)--Commissioner of Education

Louisiana

La. Const. art. VIII, § 2--Superintendent of Education; La. Const. art. VIII, § 3--State Board of Elementary and Secondary of Education

La. Rev. Stat. Ann. §§ 17:1 to 17:15 (West Supp. 1993)--State Board of Elementary and Secondary Education

La. Rev. Stat. Ann. §§ 17:21 to 17:27 (West Supp. 1993)--Superintendent of Education

Maine

Me. Rev. Stat. Ann. tit. 20-A, §§ 251 to 261 (West 1964)--Commissioner of Education

Me. Rev. Stat. Ann. tit. 20-A, §§ 401 to 406 (West 1964)--State Board of Education

Maryland

Md. Educ. Code Ann. §§ 2-102, 2-202 to 2-206 (1992)--State Board of Education

Md. Educ. Code Ann. §§ 2-103, 2-302 to 2-304 (1992)--Superintendent of Schools

Massachusetts

Mass. Ann. Laws ch. 15, §§ 1E to 1J (Law. Co-op. Supp. 1993)--Board of Education and Commissioner of Education

Mass. Ann. Laws ch. 15A, § 3 (Law. Co-op. Supp. 1993)--Secretary of Education

Mass. Ann. Laws ch. 69, § 1 (Law. Co-op. 1988)--Commissioner of Education

Michigan

Mich. Const. art. VIII, § 3--State Board of Education and Superintendent of Public Instruction

Mich. Comp. Laws Ann. §§ 388.1001 to 388.1016 (West 1988)--State Board of Education

Mich. Comp. Laws Ann. §16.405 (West 1988)--Superintendent of Public Instruction

Minnesota

Minn. Stat. Ann. §§ 121.02 to 121.14 (West 1993)--State Board of Education

Minn. Stat. Ann. § 121.16 (West 1993)--Commissioner of Education

Mississippi

Miss. Const. art. VIII, § 202--Superintendent of Public Education; Miss. Const. art. VIII, § 203--State Board of Education

Miss. Code Ann. §§ 37-1-1 to 37-1-13 (1972& Supp. 1992)--State Board of Education

Miss. Code Ann. §§ 37-3-9 to 37-3-12 (1972)--Superintendent of Public Education

Missouri

Mo. Const. art. IX, § 2a--State Board of Education; Mo. Const. art. IX, § 2b--Commissioner of Education

Mo. Ann. Stat. §§ 161.022 to 161.102 (Vernon 1991)--State Board of Education

Mo. Ann. Stat. §§ 161.112 to 161.122 (Vernon 1991)--Commissioner of Education

Montana

Mont. Const. art. X, § 9--Boards of Education

Mont. Code Ann. §§ 20-2-101 to 20-2-131 (1991)--State Board of Education

Mont. Code Ann. §§ 20-3-101 to 20-3-108 (1991)--Superintendent of Public Instruction

Nebraska

Neb. Const. art. VII, § 3--State Board of Education; Neb. Const. art. VII, § 4--Commissioner of Education

Neb. Rev. Stat. §§ 79-321 to 79-341 (1943)--State Board of Education and Commissioner of Education

Nevada

Nev. Rev. Stat. Ann. §§ 385.017 to 385.125 (Michie 1991)--State Board of Education

Nev. Rev. Stat. Ann. §§ 385.150 to 385.250 (Michie 1991)--Superintendent of Public Instruction

New Hampshire

N.H. Rev. Stat. Ann. §§ 21-N:3 to 21-N:4 (1988 & Supp. 1992)--Commissioner of the Department of Education

N.H. Rev. Stat Ann. §§ 21-N:10 to 21-N:11 (1988 & Supp. 1992)--State Board of Education

New Jersey

N.J. Stat. Ann. §§ 18A:4-3 to 18A:4-19 (West 1989)--State Board of Education

N.J. Stat. Ann. §§ 18A:4-21 & 18A:4-40 (West 1989)--Commissioner of Education

New Mexico

N.M. Const. art. V, § 3--Superintendent of Public Instruction; N.M. Const. art. XII, § 6--State Board of Education and Superintendent of Public Instruction

N.M. Stat. Ann. §§ 22-2-1 to 22-2-16 (Michie 1978)--State Board of Education and Superintendent of Public Instruction

N.M. Stat. Ann. §§ 22-3-20 to 22-3-36 (Michie 1978)--State Board of Education and Superintendent of Public Instruction

New York

N.Y. Const. art. V, § 4--Board of Regents and Commissioner of Education

N.Y. Educ. Law §§ 201 to 239 (McKinney 1988)--Board of Regents

N.Y. Educ. Law §§ 301 to 316 (McKinney 1988)--Commissioner of Education

North Carolina

N.C. Const. art. III, § 7 and art. VI, § 6--Superintendent of Public Instruction; N.C. Const. art. IX, § 4--State Board of Education

N.C. Gen. Stat. §§ 115C-10 to 115C-13 (1991)--State Board of Education

N.C. Gen. Stat. §§ 115C-18 to 115C-22 (1991)--Superintendent of Public Instruction

North Dakota

N.D. Const. art. V, § 12--Superintendent of Public Instruction

N.D. Cent. Code §§ 15-21-01 to 15-21-20 (1981), 15-21-01.1 to 15-21-02 (Supp. 1991)--Superintendent of Public Instruction

N.D. Cent. Code §§ 15-21-17 to 15-21-19 (1981), 15-21-17 (Supp. 1991)--State Board of Public School Education

Ohio

Ohio Const. art. VI, § 4--State Board of Education and Superintendent of Public Instruction

Ohio Rev. Code Ann. §§ 3301.01.1 to 3301.0718 (Anderson 1990 & Supp. 1992)--State Board of Education

Ohio Rev. Code Ann. §§ 3301.08 to 3301.12 (Anderson 1990)--Superintendent of Public Instruction

Oklahoma

Okla. Const. art. VI, § 3--Superintendent of Public Instruction; Okla. Const. art. XIII, § 5--State Board of Education and Superintendent of Public Instruction

Okla. Stat. Ann. tit. 70, §§ 3-101 to 3-115 (West 1989)--State Board of Education

Oregon

Or. Const. art. VIII, § 1--Superintendent of Public Instruction

Or. Rev. Stat. §§ 326.011 to 326.075 (1985 & Supp. 1992)--State Board of Education

Or. Rev. Stat. §§ 326.305 to 326.330 (1985 & Supp. 1992)--Superintendent of Public Instruction

Pennsylvania

Pa. Const. art. IV, § 8--Secretary of Education

24 Pa. Cons. Stat. Ann. §§ 26-2601-B to 26-2606-B (Supp. 1992)--State Board of Education

Pa. Stat. Ann. tit. 71, § 1038 (1990)--Secretary of Education/Superintendent of Public Instruction

Rhode Island

R.I. Const. art. III, § 1--Commissioner of Elementary and Secondary Education

R.I. Gen. Laws §§ 16-60-1 to 16-60-13 (1956 & Supp. 1992)--Board of Regents for Elementary and Secondary Education and Commissioner of Elementary and Secondary Education

South Carolina

S.C. Const. art. XI, § 1--State Board of Education; S.C. Const. art. VI, § 1 and art. XI, § 2--Superintendent of Education

S.C. Code Ann. § 59-3 (Law Co-op. 1976)--Superintendent of Education

S.C. Code Ann. § 59-5 (Law Co-op. 1976)--State Board of Education

South Dakota

S.D. Const. art. IV, § 9--Secretary of the Department of Education and Cultural Affairs

S.D. Codified Laws Ann. §§ 1-45-2 to 1-45-3 (1992)--Secretary of the Department of Education and Cultural Affairs

S.D. Codified Laws Ann. §§ 1-45-6.1 to 1-45-6.3 (1992)--Board of Education

Tennessee

Tenn. Code Ann. §§ 4-3-802 to 4-3-803 (1991), § 49-1-201 (Supp. 1992)--Commissioner of Education

Tenn. Code Ann. §§ 49-1-301 to 49-1-310 (1990 & Supp. 1992)--State Board of Education

Texas

Tex. Educ. Code Ann. §§ 11.21 to 11.36 (West 1991 & Supp. 1993)--State Board of Education

Tex. Educ. Code Ann. §§ 11.51 to 11.52 (West 1991)--Commissioner of Education

Utah

Utah Code Ann. §§ 53A-1-101 to 53A-1-106, 53A-1-401 to 53A-1-406 (1992 & Supp. 1993)--State Board of Education

Utah Code Ann. §§ 53A-1-301 to 53A-1-303 (1992)--Superintendent of Public Instruction

Vermont

Vt. Stat. Ann. tit. 16, §§ 144a to 176 (1989 & Supp. 1992)--State Board of Education

Vt. Stat. Ann. tit. 16, §§ 211 to 213 (1989 & Supp. 1992)--Commissioner of Education

Virginia

Va. Const. art. VIII, §§ 4 and 5--Board of Education; Va. Const. art. VIII, § 6--Superintendent of Public Instruction

Va. Code Ann. §§ 22.1-8 to 22.1-20 (Michie 1950)--Board of Education

Va. Code Ann. §§ 22.1-21 to 22.1-24 (Michie 1950)--Superintendent of Public Instruction

Va. Code Ann. §§ 2.1-51.21 to 2.1-51.21.2 (Michie 1950 & Supp. 1993)--Secretary of Education

Washington

Wash. Const. art. III, § 25--Superintendent of Public Instruction

Wash. Rev. Code Ann. § 28A.300 (West Supp. 1993)--Superintendent of Public Instruction

Wash. Rev. Code Ann. § 28A.305 (West Supp. 1993)--State Board of Education

West Virginia

W. Va. Code § 18-2 (1966 & Supp. 1993)--State Board of Education

W. Va. Code § 18-3 (1966)--Superintendent of Schools

Wisconsin

Wis. Const. art. X, § 1--Superintendent of Public Instruction

Wis. Stat. §§ 115.28 to 115.48 (Supp. 1992)--Superintendent of Public Instruction

Wyoming

Wyo. Const. art. IV, §11--Superintendent of Public Instruction

Wyo. Stat. §§ 21-2-201 to 21-2-202 (1977 & Supp. 1993)--Superintendent of Public Instruction

Wyo. Stat. §§ 21-2-301 to 21-2-307 (1977 & Supp. 1993)--State Board of Education

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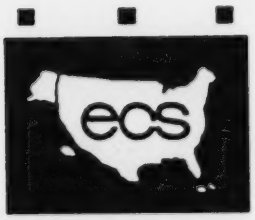

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